

# **EXHIBIT 3**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

|                                     |   |                                |
|-------------------------------------|---|--------------------------------|
| GERARDO CAMPOS, ET AL.,             | : |                                |
|                                     | : |                                |
| Plaintiffs,                         | : | CASE NO. 3:12-cv-01529-ADC-BJM |
|                                     | : |                                |
| v.                                  | : |                                |
|                                     | : |                                |
| SAFETY-KLEEN SYSTEMS, INC., ET AL., | : |                                |
|                                     | : |                                |
| Defendants.                         | : |                                |

**DECLARATION OF DR. PETER G. SHIELDS**

Comes now, Peter G. Shields, M.D, who, pursuant to 28 U.S.C.A. § 1746 declares the following to be true subject to the penalty of perjury:

I have only been retained to evaluate the relationship between benzene exposures and CML in two cases that I can recall or have records for. The first time was in 2006, in a case captioned *Christopher v. Consolidated Rail Corporation*. I was retained to evaluate whether a plaintiff's work-related exposure to benzene caused his CML. As with the present case, I conducted a comprehensive review of the relevant epidemiological literature. I applied the Bradford Hill guidelines to evaluate causation. After my review, I determined that there was insufficient evidence that benzene causes a measureable increase in CML, at any dose. I issued a report in that case on August 24, 2006. A true and correct copy of that report is attached hereto as Exhibit 1. I did not provide oral testimony in that case. The instant case is only the second time that I have been retained in a benzene exposure and CML case. A true and correct copy of my report from this case is attached hereto as Exhibit 2.

I presume that I have only been retained in two cases involving benzene exposures and CML because there is insufficient evidence of causation. At no point in time has there been sufficient evidence that exposures to benzene at any level are capable of causing CML.

In 2008, I made a statement at a deposition that benzene exposure can cause chronic myelogenous leukemia (“CML”). At this time, I cannot recall the context for my response, but I have since reviewed the entire deposition and confirmed that it contained no other mention of CML or discussion of benzene and CML, besides the reference cited by Plaintiffs at page 39:5-21. The case in which I gave that testimony had nothing to do with CML, I was not designated to discuss CML, nor had I undertaken an evaluation of the literature specific to benzene exposure and CML in preparation for that deposition. The party who retained me did not benefit by my statement related to CML, and it was entirely unrelated to my testimony and opinions in that case. I was not asked about CML in the deposition or during the two days that I gave trial testimony for that case. I believe that if counsel had asked, I would have realized the error of my statement and corrected it at the time.

Since my 2006 report, there have been a number of publications that further support my opinions in this case that there is insufficient data to conclude that benzene causes CML. For this case, I undertook an evaluation of the literature on benzene exposure and CML as of 2014, as explained in my February 28, 2014 report and May 9, 2014 deposition. In fact, this relationship was recently considered by the International Agency for Research on Cancer, in 2009 with the full report in 2012, who considered CML and did not even provide a conclusion for limited evidence [1]. Several research studies specifically about CML risk factors that have recently been published cover large groups of workers and varied study designs, strengthening my opinions. These include a review article and meta-analysis of 15 separate studies [2]. The authors

wrote: “The meta-analysis indicated consistently a lack of association between benzene exposure and the risk of CML.” Separately, a large population-based study published in 2009 using a huge registry of more than 15 million people failed to find associations for occupations that might involve benzene exposure and CML [3]. In a separate European very large prospective study, published in 2013, Saberi and colleagues considered benzene exposure specifically and CML risk, and found the results to be not statistically elevated [4]. For a different type of study, several publications from a large pooled analysis of refinery workers, some of whom have very large exposures, also did not find an increased risk of CML [5;6]. The authors wrote: “Conclusions: No convincing association was identified between MPD or CML and low exposure to benzene. The greater risk for exposures experienced in the 20 years before diagnosis needs investigating in more powerful studies with a wider range of exposure to benzene, and the biological plausibility further examined from a mechanistic viewpoint.” These studies were published in 2012 and 2014, respectively. Also, a separate 2012 meta-analysis done by researchers at the National Cancer Institute failed to find a statistical association between benzene exposure and CML considering many types of occupations [7]. The strengths and limitations of the above studies have been discussed in my report.

I have reviewed the motions by Plaintiffs and these do not alter my opinions, nor do they represent my opinions accurately. The above research studies and opinions by various agencies show that as of today, benzene cannot be considered a cause of CML.

I declare under the penalty of perjury that the foregoing is true and correct.



Dr. Peter G. Shields

Dated: July 15, 2014

### Reference List

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5. Schnatter, A.R., Glass, D.C., Tang, G., Irons, R.D., and Rushton, L. (2012) Myelodysplastic Syndrome and Benzene Exposure Among Petroleum Workers: An International Pooled Analysis. *J. Natl. Cancer Inst.*.
6. Glass, D.C., Schnatter, A.R., Tang, G., Irons, R.D., and Rushton, L. (2014) Risk of myeloproliferative disease and chronic myeloid leukaemia following exposure to low-level benzene in a nested case-control study of petroleum workers. *Occup Environ. Med.*, **71**, 266-274.
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# **EXHIBIT 1**



GEORGETOWN UNIVERSITY MEDICAL CENTER  
LOMBARDI COMPREHENSIVE CANCER CENTER  
*Research ! Education ! Treatment*

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August 24, 2006

Kendra Smith, Esq.  
Burns, White & Hickton  
106 Isabella Street  
Four Northshore Center  
Pittsburgh, PA 15212

Re: Christopher v. Consolidated Rail Corporation

Dear Ms. Smith:

This report will serve to provide my opinions regarding the above cited case. I have been provided with legal documents for the Complaint (undated), Answers to Interrogatories (undated), Christopher deposition (April 6, 2006), and Christopher video deposition (April 13, 2006). The medical records reviewed were from the University Hospitals of Cleveland, Dr. Barry Effron, St. Jude Medical Center, Ireland Cancer Center, railroad employment records, Lake West Hospital, Hillcrest Hospital, and Dr. Martha Hackett. I also have reviewed the reports of Drs. Richard Lipsey (June 9, 2006), Bernard Goldstein (June 12, 2006), and Arthur Frank (February 20, 2006). If there are further data or materials of any sort provided to me, other materials or other relevant information after the date of this report, then my opinions, or the scope of my opinions, may be revised. The opinions expressed herein are my own, and were not developed in relationship to my Georgetown University service.

A list of cited references appear at the end of this report. Attached is my Curriculum Vitae and list of prior testimony.

## SCOPE OF OPINIONS AND LEGAL DOCUMENTS

Mr. Christopher has been diagnosed in 2005 with a Philadelphia chromosome-positive chronic myelogenous leukemia (CML) and is in cytogenetic remission at last report this past



*A Comprehensive Cancer Center Designated by the National Cancer Institute*

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spring. He had worked for the railroad as a sheet-metal and pipefitter mechanic for about 21 years and he is claiming that his work has caused his leukemia. For the purposes of this report, I have been asked to focus on the claimed exposure to benzene from pure benzene and benzene-containing products as the cause of his CML. In this case, there is no quantitative documentation of potential benzene exposure, either by airborne levels or personal monitoring.

The complaint stated:

“In the performance of his duties, Plaintiff used and/or worked around others who used and/or hauled toxic and ultrahazardous products and substances including, but not limited to asbestos products and/or silica and/or coal and/or benzene and or other toxic and hazardous or ultrahazardous materials and substances on railroad cars, locomotives, locomotive boilers and their appurtenances, and Plaintiff was exposed to the inhalation of and or exposure to toxic and or hazardous or ultra hazardous materials including but not limited to asbestos dust and/or fibers, and or silica sand and/or silica dust, and/or coal and/or coal dust and/or benzene and or other toxic and hazardous or ultrahazardous materials and substances, resulting from the hauling and/or use of these products and/or materials.”

## QUALIFICATIONS

As my Curriculum Vitae will provide in more detail, I am currently a Professor in the Departments of Oncology and Medicine at the Georgetown University School of Medicine. I also am a Professor in the Department of Pediatrics and Child Health at the Howard University School of Medicine. In the Department of Oncology at Georgetown, I am the vice-Chair of the Department and Chief of the Division of Cancer Genetics and Epidemiology. I also am the Associate Director for Cancer Control and Population Sciences in the Lombardi Comprehensive Cancer Center at the Georgetown University Medical Center, and the Program Leader for the Cancer Genetics and Epidemiology Program. As such, I am responsible for directing a multidisciplinary research program that focuses on identifying the environmental and genetic causes of cancer using epidemiology and biomarkers. Through this, I am responsible for mentoring many junior (and sometimes senior) faculty, postdoctoral fellows, Ph.D. and masters graduate students, and undergraduate students. My teaching responsibilities include giving lectures and serving as a course director in the areas of cancer risk and epidemiology. Regularly, I am an invited speaker at national and international meetings, and at universities around the world. Prior to my position at the Lombardi Comprehensive Cancer Center, I was a tenured investigator and Chief of the Molecular Epidemiology Section of the Laboratory of Human Carcinogenesis at the National Cancer Institute. Throughout my career, I have conducted research into the environmental and genetic causes of cancer, as well as the development of tests for cancer risk and early detection of cancer. Relevant to this case, I am an expert in the



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development of cancer, which include leukemias, and have published widely. My publications have appeared in highly respected peer-reviewed journals (including those that focus on the occupational setting). Also relevant to this case is that my work is considered toxicological in nature, because of the consideration of how carcinogens or cancer therapies affect the body, and I frequently use laboratory methods (including animal studies). I am, or have been, on the editorial board of several journals; many other journals rely on my opinions as a peer-reviewer. I also sit on various committees and panels that provide research opinions, identify funding priorities or review other investigators' research proposals about the causes of cancer, including those relevant to this case. As further evidence of the respect from my peers, I had been elected by them to lead scientific groups of epidemiologists. Recently, I have been appointed to the Executive Committee of a professional association dedicated to the prevention of cancer. Lastly, I remain clinically active, caring for hematology and oncology patients, including CML. My clinical expertise has been recognized as I have been twice appointed to the District of Columbia Board of Medicine. Thus, I consider myself an expert in cancer risk, cancer and leukemia causation, carcinogenesis, epidemiology, and hematology/oncology.

## **MEDICAL RECORD REVIEW**

Mr. Christopher was born on October 26, 1938. He is currently a 67 year old Caucasian male.

Mr. Christopher had a hernia repair and arthroscopic surgery of the knee in 1980. The knee injury occurred from work. He also reported having eye injuries from welding flashes. At deposition, he also had a back injury that resulted in surgery. For the knee, hernia and back surgery, he was off from work for about 5 months.

Mr. Christopher was diagnosed with paroxysmal atrial fibrillation and syncope in the early 1990s. A tilt table test was done for syncope and was positive for hypotension and asystole on November 4, 1992. The report stated that this was consistent with a neurally-mediated syncope. There were several admissions to the hospital for the atrial fibrillation, which would produce dizziness and weakness. He was treated with a variety of heart medications and coumadin. Mr. Christopher went out on permanent disability in 1993 due to this heart condition. He was told that he could not work because of his coumadin treatment. In October, 1992, his total white blood cell count (WBC) was 5.2.

In 1993, Mr. Christopher was arrested for drug trafficking. He went to prison and also underwent drug rehabilitation.

In 2000 and 2001, Mr. Christopher underwent a radio-ablation and was treated with anti-arrhythmic therapy for his atrial fibrillation. A CAT scan of the abdomen on July 26, 2000 showed a normal size spleen. In September, 2001, he had a left inguinal hernia repair. There was an admission to Lake West Hospital on July 17, 2002 for vomiting and weakness. A noncontrast CAT scan of the brain was normal. His blood counts were normal.

In November, 2003, Mr. Christopher went to the hospital for shortness of breath. His

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blood counts were normal. He had a pleural effusion, thought to be related to his prior surgical procedures. A thoracentesis was done as an outpatient under sonogram-guidance and 120 cc of fluid was removed. The cytology was negative. Pulmonary function tests showed an FEV1 of 73%, his FEV1/FVC ratio was 69% and his FVC was 84% of predicted. A CAT scan showed an occluded left pulmonary vein. The WBC was 8.0.

On January 15, 2004, Mr. Christopher underwent repair of an abdominal aortic aneurysm. This was done without complications. The pathology report indicated atherosclerotic plaques. His WBC at the time was 5.7.

The WBC on June 4, 2004 was 4.77, with a normal differential count.

A chest x-ray from November 11, 2004 was reported as having evidence of COPD, with biapical pleural and parenchymal scarring, hyperinflation of the lungs, prominence of the central pulmonary arteries, but no effusions.

Mr. Christopher had a CAT scan of the chest on January 21, 2005. The occluded left pulmonary vein was unchanged. Apical bullae were seen, reported to be consistent with emphysema. No parenchymal disease or pleural plaques were reported. The spleen was not enlarged.

Mr. Christopher was admitted to the hospital on September 7, 2005 for an elevated WBC of 59,000, with 69% neutrophils and metamyelocytes, but no blasts. The elevated WBC count was found incidentally during a pre-operative work-up for eye surgery. His past medical history was listed as hypertension, glaucoma, and atrial fibrillation, and he had a surgical history of a pacemaker placement and abdominal aortic aneurysm repair. He was being treated with coumadin, digoxin, Lovastatin, Lasix and Atenenol. He was relatively asymptomatic, except for some fatigue. He had chronic complaints of exertional shortness of breath that predated any abnormal blood counts. His platelets were normal at 199,000 and he was not anemic. A bone marrow showed 90-95% cellularity with only 2% blasts. Chromosomal analysis indicated that all 20 metaphases contained the t(9;22)(q34;q11.2) translocation as the sole detectable chromosomal change. Flow cytometry was consistent with CML, and the cytogenetics showed the 9,22 translocation. FISH analysis also was done. The diagnosis was CML in chronic phase. An enlarged spleen was not felt. He was started on Gleevec at 400 mg per day.

On October 20, 2005, Mr. Christopher was evaluated at the Ireland Cancer Center by Dr. Deepjot Singh. His WBC, while on Gleevec was 10.1. The hematocrit and platelet count were normal.

The pacemaker was exchanged on December 12, 2005.

Mr. Christopher had a skin biopsy of a rash on December 6, 2005. The pathology diagnosis was drug eruption.

At the beginning of 2006, it was reported that Mr. Christopher had severe glaucoma, optic nerve glaucoma-related damage and corneal decompensation. It was stated that his rash was thought secondary to Gleevec, and he was treated with a steroid injection and creams.

FISH analysis on January 5, 2006, was negative for the BCR/ABL translocation, indicating a remission.

The last record about his CML was on March 9, 2006, and it was reported that he

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remained in remission. He was still on Gleevec at 400 mg. The WBC was 8.4, and he had a mild anemia with an hematocrit of 34%. It was reported that based on a blood test one month earlier, that he was in cytogenetic remission. It was stated that his rash, thought to be secondary to Gleevec, had resolved.

The Answers to Interrogatories stated that due to the CML, Mr. Christopher suffers headaches, upset stomach, fatigue, depression, mouth sores, hives and peeling of the hands and feet as a medication reaction. At deposition, he stated he broke out in hives and his hands and feet would peel. He did not know if these things were linked to Gleevec or CML. In April, 2006, Mr. Christopher stated at deposition that he does not have symptoms related to the CML, although this was later clarified to say that he had fatigue and tingling on the tongue.

*Family history:* As of 2005, Mr. Christopher had a brother who died with cardiovascular disease according to the medical records and unknown causes according to the deposition testimony. He died at the age of 80. He had a sister with lung cancer who died at the age of 60, who was a nonsmoker. He also had a sister with breast cancer. His father died of heart failure and hardening of the arteries. His mother died at the age of 62 from a cerebral hemorrhage.

*Social history:* Mr. Christopher stated in the Interrogatories that he smoked 1-2 packs per day from 1956 to 1990, using different brands. In 2005, it was reported that Mr. Christopher occasionally used alcohol, and was a 2 pack per day smoker for 20 years, but had quit around 1990. At deposition, he stated he began to smoke at the age of 18 until the age of 50. He said he smoked 1-2 packs per day.

In, March, 2006, Mr. Christopher weighed 175 pounds. For the Answers to Interrogatories, it was stated that Mr. Christopher was 5' ,10.5" and weighed 185 pounds.

During Mr. Christopher's first marriage, his wife smoked about a pack per day. He was married from 1960 to 1975. His father smoked little cigars regularly and occasionally cigarettes.

*Occupational and exposure history:* The complaint stated that Mr. Christopher worked from 1959 to 1993 as a pipefitter. He went out on disability in 1993 due to his heart condition and treatment with anticoagulants. He was a member of the Sheet Metal Workers union. Prior to that, he worked as a parts handler, where he brought parts to lathes at a plant that made impeller blades for jet engines. His work title was called a trucker. He also worked for a year as a laborer for a company that laid gas and telephone lines, as a traffic flagger. It also was stated that he worked for about a year doing road work surveys as a surveyor assistant. At deposition, Mr. Christopher stated that he occasionally had second jobs while working for the railroad, for example selling clothes, bartending and working in a bowling alley. Following the railroad work and retirement, Mr. Christopher worked as a bartender.

Mr. Christopher testified that he did not have any unusual hobbies or home activities.

Regarding his railroad employment, it was written in the Answers that: "I began work for the New York Central Railroad in September of 1959 at the Collinwood backstop. In 1968 the New York Central merged with the Pennsylvania Railroad to become Penn Central Railroad.

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The Penn Central Railroad was merged into Conrail in 1976. The Collinwood backshop closed in 1980 and I then worked in the same yard at the diesel terminal my retirement in 1993."

Mr. Christopher also wrote in his Answers:

"My most significant exposures to asbestos and benzene were while working in the Collinwood backshop for the New York Central/Penn Central/Conrail Railroad from 1959 until the backshop closed in 1980. I hired in at the railroad in 1959 and worked for two years in the Collinwood backshop as a sheet metal worker/pipe fitter apprentice. I was then promoted to sheet metal worker/pipe fitter mechanic, which I remained until my retirement in 1993.

The backshop did heavy repairs, primarily on diesel locomotives, which involved taking the locomotives completely apart, refurbishing the parts, and reassembling them.

As an apprentice I worked in all of the departments in the backshop as a learning experience. As a mechanic, based on seniority, I would bid into jobs in the various departments as they became available.

One way I was exposed to asbestos was in rebuilding the steam generators which supplied the heat in passenger cars. Each generator had coils, which were encased in asbestos cement. Working side by side, boilermakers would chip out the old asbestos cement and remove the coils. This generated clouds of dust. Then the sheet metal workers would reinstall the coils, mixing new batches of asbestos cement by dumping bags of asbestos cement into tubs (kicking up lots of dust) and then adding water. I personally did this job many times.

Dismantling diesel locomotives involved freeing up over 100 pipes, many of which were covered with asbestos pipe covering. Removing the pipes and the pipe covering generated dust. I also then had to remove the gaskets from the pipe flanges, by grinding, or hammering and chiseling; or wire brushing, or with a welding torch. Removing gaskets also generated significant dust.

Over the years in the Collinwood yards many of the old buildings were torn down and the dust from the demolition would blow around our workspaces.

In the backshop benzene solvents were used to clean oil engine parts, to prevent rust. The dismantled oil engine parts were put into 8' x 10' wire baskets, which were then lowered into agitating vats filled with the benzene solvent. The benzene solvent came in metal drums. Either the laborers or the mechanics would empty the drums into the vats, and after the solvent was too dirty to use, it was drained to floor drains, and the laborers or mechanics would wash the vats with water and steam hoses. We also sometimes cleaned our tools and washed our hands in the benzene agitating vats."

At deposition, Mr. Christopher said that he worked around "harmful substances", specifically, "asbestos, pure muriatic acid, hydrochloric acid, carbon tet" and other chemicals that end in "lene" or "tween".

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At deposition, Mr. Christopher testified that he first worked as a sheet metal worker apprentice for three-four years. This required him to work 6 months in different departments. His work was all indoors about 75% of the time. During this time, he learned how to weld and build engines. He worked on diesel engines, rather than steam engines. At that time, parts were washed in vats containing lye. He also reported that the internal parts were washed in benzene or different kinds of solvents. He would use a wire brush to remove grease. In the steam generator department, there were 2 or 3 vats that were 2 - 4 feet in size. He said he knew it was benzene because of the sweet smell. He claimed that in some vats it was pure benzene or cleaning solvents that were benzene-derivatives. He did not recall the names, but said that they ended in "l-e-n-e-", perhaps xylene, toluene or trichloroethylene. He stated that sometimes it was his job to empty the vats, for example if he had to repair the pipes, although there were laborers would do the routine maintenance. He stated that the solvent would just be emptied on the floor, and the solvent would go down a drain. When he was done, he would refill the tanks.

Next, Mr. Christopher was a step-up sheet metal and pipe fitter mechanic in the backshop. The backshop closed in 1980. He would do similar work as the above, but bigger jobs. More often, he would do rebuilding, rather than stripping engines, so that the parts were already cleaned. He worked in different departments. His job duties did not change for many years, even through mergers. He worked in the specialty shops more than the diesel shop. Early, he worked in a roundhouse hooking up locomotives. Mr. Christopher also claimed that benzene was in cleaning materials. And that guys would wash their hands with benzene and with cleaning agents that contained benzene. It was reported by him that he used benzene most of the time, which would come in 15-55 gallon drums. He stated that he knew it was benzene by the smell, and that some barrels were labeled as benzene. He also claimed that he was around benzene about 50% of the time from 1962 to 1980.

From 1980 to 1993, he worked in a diesel shop doing minor repairs. He claimed that he also used benzene cleaning parts. He also claimed he was around benzene 50% of the time, although the Answers stated that most of his exposure was prior to 1980.

Mr. Christopher testified that he never wore a respirator, although he wore gloves at different times.

## **CHRONIC MYELOGENOUS LEUKEMIA**

Mr. Christopher has CML, which is a type of chronic leukemia. He presented with typical findings, namely an elevated white blood cell count without symptoms or other blood abnormalities. The molecular and cytogenetic work-up confirmed the diagnosis of CML. Mr. Christopher has a 9,22 translocation, and in the clinically setting of a chronic leukemia, is diagnostic for CML. Mr. Christopher received the diagnosis of the CML from his treating physicians, and I concur with this diagnosis, although I have not reviewed the actual pathology slides.

Leukemias are one type of many hematological malignancies. All of these are clonal



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disorders that are composed of a single and specific cell type. As with other types of cancers, the cells of these clonal stem cell disorders fail to differentiate and reproduce uncontrollably, crowding out space for normal bone marrow elements. Actually, leukemias also are a heterogeneous group of blood cell malignancies. They are classified as acute or chronic, and originate from either myeloid or lymphoid lineages. The diagnosis of leukemia is made by examining the bone marrow with a microscope, flow cytometry, immunohistochemistry and chromosomal analysis. Among the reasons why it is important to identify the type of leukemia is that the biology, treatment and prognosis can be very different.

CML also is classified as a myeloproliferative disorder, but is very different from other myeloproliferative disorders because of its Philadelphia chromosome positivity [1-4]. All of these also have very different clinical histories and treatments, although there may be some overlap as one develops overtime.

CML is an uncommon disorder, accounting for about 4,800 new cases in the US in 2005 [5]. This is among a total of 34,810 new cases of all leukemia and is less than half as common as AML with about 11,910 cases per year. The annual incidence of CML is 1.6 cases per 100,000 adults [5].

CML clinically has three phases, namely the chronic phase, the accelerated phase and the blast phase. Mr. Christopher is currently in the chronic phase. CML is diagnosed by the clinical history and the finding of the Philadelphia chromosome [2-4]. Patients typically present in the chronic phase, without symptoms, and the disease is detected by a routine blood test [6]. Eventually, patients may complain of weakness, weight loss and discomfort due to a large spleen. The criteria for blast phase include a blast count in the bone marrow greater than 20-30%, depending on the criteria. These are often attributed to rising WBC and consequent anemia.

The Philadelphia chromosome is a reciprocal translocation from chromosome 9 to chromosome 22 that involves the *ABL1* gene on chromosome 9 and the *BCR* (break point cluster) gene on chromosome 22 [4;6]. This is termed the *BCR-ABL* translocation. The resultant gene fusion makes a protein that has tyrosine kinase activity. This protein leads to deregulated cellular proliferation, cells that are less able to adhere to the bone marrow and decreased program cell death in response to mutagens.

Sometimes, other cytogenetic abnormalities are seen in CML, such as trisomy 8, isochromosome 17 and a duplicate Philadelphia chromosome [6], but these are not the type associated with leukemias thought to be caused by chemotherapy or benzene [4]. Specifically, chromosome 7 deletion occurs in less than 5% of CML cases and chromosome 5 deletions rare [7]. A search for reported cases in the National Cancer Institute CGAP database shows that there are only 27 cases are found in that database for -5 deletions and 112 cases for -7 deletions (<http://cgap.nci.nih.gov/Chromosomes/Mitelman>). (It is common that as CML progresses to blast phase and chromosome 7 deletions can be observed there, but -5 are still uncommon [8].)

There are several available treatments for CML. Without treatment, patients with chronic phase CML will progress to the other phases in 3 - 5 years [6]. The risk for transformation is about 3 - 4% per year [9]. CML in blast phase is highly refractory to chemotherapy and so is rapidly fatal. The latest treatment for CML takes advantage of the molecular changes caused by

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the *BCR-ABL* translocation and its tyrosine kinase activity [4;6]. Gleevec (imatinib mesylate) is a selective tyrosine kinase activity inhibitor and a very successful treatment for CML. It almost always leads to a complete cytogenetic response, about 96% of the time, where Philadelphia chromosome positive cells are no longer detected. While there have been earlier proposed prognostic factors for CML, such as those proposed by Sokol [6;9], these are no longer clearly valid since the development of Gleevec. The common side effects of Gleevec include nausea, diarrhea, fluid retention (including periorbital edema), bone pain and muscle cramping. Elevation in liver enzymes and dermatologic reactions are less common. Recently, quantitative PCR for the transcription product has shown the best responses are those for persons with a 3 log decrease in transcript over 12 months [10]. The clinical trials for Gleevec only started in 1998, so that the maximum follow-up time for patients is only since then, about 4 years [10]. The survival estimate is 96% at 3 years and 82% at 4 years [10;11]. The longest responders were those with complete cytogenetic remission, as with Mr. Christopher. Gleevec, at higher doses, also has activity in persons with accelerated phase (55%), and somewhat in blast phase (18%), at 36 months. It is estimated that Gleevec, compared to older treatments such as interferon, improves incremental 10 year survival by 25% and saves about \$43,000 per year of life [12]. Second generation tyrosine kinase inhibitors, or drugs for downstream molecular targets currently in clinical trials, for example, dasatinib, are showing good success.

The only curative treatment for CML is stem cell or bone marrow transplantation [10]. But, it has been recently projected that long term survival for Gleevec is better than bone marrow or stem cell transplantation, which was previously the best long term option for CML [13]. Transplantation from siblings yields a 60% five year survival, and about 50% for unrelated donors. This would now be used for persons who become refractory to Gleevec and clinical trials are exhausted for newer drugs. It also is used for blast phase, and in some persons in accelerated phase who also are refractory to non-transplant treatments. It is expected that transplantation will be needed even less often, and the CML will become a very long term chronic disease.

CML is more common in men than in women, and the median age at diagnosis is 65 years old [6]. It also is more common in African Americans than in Whites. The causes of CML is essentially unknown, although there are some associations with radiation. For example, increase risk has been reported for atomic bomb survivors, radiologists and in persons treated with radiation therapy [6;14-17]. Being overweight may also be a risk factor for CML [18] and for leukemia without specification to cell type [19].

There is some evidence for increased risk for CML from cigarette smoking [20-22], but other studies are null [18;23]. A dose-response relationship and risks of about 1.4 were reported for former smokers [21]. Some notable reviews include CML by inference [24;25]. There also is some evidence that smoking increases the progression to blast crisis [26]. There is good data to indicate that cigarette smoking is weakly associated with an acute myeloid leukemia and preleukemia. The reported risks are about 1.5-2.0-fold [22;27-34], and a dose-response effect has been reported [18;22;29;33;35;36]. For example, in a large cohort study of 248,000 United States veterans, an overall relative risk was reported at 1.53, and for persons smoking more than

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21 cigarettes per day the risk was 1.93 (95% CI = 1.45 - 2.52) [22]. Some studies do not show an association [21;37;38], and many studies do not distinguish among the types of leukemia [36;39]. The cytogenetic abnormalities in AML are more typically chromosome 7 rather than chromosome 5 abnormalities for a cigarette smoking association [27]. The conclusion of a meta-analysis by Dr. Brownson indicated a pooled risk from many studies of 1.4 (95% CI = 1.2-1.6) for smoking and acute leukemia [40]. Other workers have similar conclusions [24;31;41]. It is unknown why smoking causes leukemia, but one hypothesis is that cigarette contains benzene, among other human carcinogens [42]. It has been estimated that the benzene component is responsible for between 10% and 50% of all leukemia deaths, and up to 60% of AML [43].

Secondary leukemias is a common term reflecting some pre-existing condition or exposure that then developed into leukemia. The application of this term is reserved for persons with prior history of myelodysplastic syndromes (MDS), or persons with prior exposures to cancer chemotherapy [44-46]. Among the secondary leukemias, about 60-70% are related to MDS, while the others are therapy related [45]. Some people analogize this to benzene-related leukemia in persons with high levels of benzene exposure, and so there is some consideration by plaintiff's experts of this in relation to claims that benzene can cause CML, as an analogy to AML. Secondary leukemias occur following some chemotherapy or radiotherapy treatments, such as for Hodgkins lymphoma and breast cancer [45;47-49]. About 7%-15% of AML can be considered as secondary [45;50]; there is no particular histological subtype more common for secondary leukemias (except for secondary leukemias from topoisomerase II inhibitors that are usually M4 or M5) [44]. These treatments exemplify target organ specificity, because they only cause acute leukemia and not other types of leukemia or cancer. The secondary leukemias from chemotherapy often are accompanied by abnormal cytogenetics [45;51;52], which are not found in CML. The frequency of chromosomal abnormalities of some type range from 68-96% in therapy-related AML, but the distribution differs from *de novo* AML by more often having 11q23 and complex karyotypes (more than one abnormality) [51], and -5 and -7 abnormalities [44]. In *de novo* leukemias, the incidence of -5 and -7 abnormalities are 2% and 4%, respectively [53]. Among the acute leukemias that are therapy-related, this is about 10% for either a -5 or -7 deletion (about 5% have it alone and 5% have it as a complex karyotype) [45;50;54]. The -7 abnormality is more common than the -5 abnormality, about 5% for the former and 2% for the latter [55].

Importantly, I am not aware of scientific studies that indicate that either the chromosome -5 or -7 abnormalities are common in CML (see above). Conversely, the 9,22 translocation characteristic for CML is rarely seen in cases of AML, occurring in less than 1% of adult AML [56-58], and these may be persons with previously undetected CML. (The 9,22 translocation is more commonly seen in acute lymphocytic leukemia [58].) It also is important to note that CML is not considered a leukemia secondary to chemotherapy, and that 9,22 translocations are rare [47;59]. For example, it has been reported that the 9,22 translocation occurs in cases of secondary leukemia from topoisomerase II inhibitors, but this is uncommon [59;60]. There is essentially about 25 cases in the world's literature [59;61]. Because it is uncommon, it is unclear if these really are secondary leukemias, or a *de novo* CML.



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Acute leukemia secondary to benzene has been considered to follow a similar mechanism as other secondary leukemias from alkylating agents, because the same chromosomal abnormalities can be found (although not in all studies) [62;63], and so is sometimes more broadly referred to as a secondary leukemia [45-47]. The 9,22 Philadelphia chromosome was not reported in these studies. I am aware of one study that reported several cases with the Philadelphia chromosome, but these were mostly in people with prior CML, and there was no relationship with benzene exposure [62].

## **METHODOLOGICAL APPROACHES TO INDIVIDUAL RISK ASSESSMENT**

There are well-established practices for considering if a chemical can cause cancer. Typical of other physicians and scientists, my initial approach before considering the individual's situation and alleged exposures is to assess if there is a relationship of the alleged exposure to the identified cancer, at any level of exposure. This is done by reviewing scientific textbooks and articles, doing computerized literature searches and drawing upon my experience as a researcher, clinician and epidemiologist. The method for determination of cancer causality is described below. It is important to assess different types of scientific data, relying on the best studies, and even though a researcher might postulate causality (e.g., as might be done through a publication of a case report, or a case series), this is different from concluding a causal relationship of exposure to an outcome. Among the types of data that might be useful, human epidemiological data is substantially more helpful than nonhuman data, assuming the epidemiological studies are of good quality. If there is sufficient epidemiological data to make a conclusion, then experimental animal or other studies are sometimes considered only in the context of understanding biological mechanisms. If there is sufficient reason to consider that the chemical has a potential to cause the type of cancer identified for the individual or a group of individuals (target organ specificity is important), then an assessment is made to determine the doses reported in the literature that may be associated with an increased cancer risk, and in what settings. The dose, i.e., how much of a carcinogen enters the body and then reaches the critical organs and targets within the organ, best determines an individual's cancer risk, as carcinogens clearly have a dose-response relationship. One must consider that exposure may not be a sufficient marker for dose. Importantly, there is some level below which we can no longer measure an increased risk, and so any conclusions of cancer causation for exposures below that level are speculative, unsupported, and at best only hypothetical. (Herein, the concept of increased risk is accompanied by the conventional use of statistics and findings of statistical significance.) A mechanistic understanding of the carcinogenic process (known or hypothesized) is considered in the context of the alleged exposure/dose and disease in the patient.

Assuming that there is sufficient reason to believe that there is some exposure/dose that might increase cancer risk because of available scientific data, then the degree and circumstances of the exposure from the literature is assessed in relation to the increased risk of the particular

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cancer. This is then placed into the context of alleged and/or documented exposures in an individual or group of individuals, including latency. If the exposure level of the individual under consideration is less than that reported in the literature, or the route of exposure is different, then the chemical in question is less likely or unlikely to have caused cancer in the individual. Other unique circumstances are considered, such as a concurrent disease, comorbidities, and other risk factors (e.g., lifestyle, diet, work place, medication) that might make the individual more or less susceptible. And also if similar exposures occurred from different sources, and the relative contribution of each source is considered. Finally, the above information is integrated and a conclusion is made about the probability of causality in a person. A concurrent step for assessing causality in an individual is to confirm the diagnosis, as sometimes incorrect diagnoses are made, the pathology is not definitive or other diagnoses are likely and so would not be appropriately related to the alleged exposure in the individual. In this case, I have reviewed medical records, and considered the scientific literature in the context of the plaintiff's CML. I have not reviewed the pathology slides from the bone marrow examination or the peripheral blood smear. However, I have no reason to question the diagnosis of CML in Mr. Christopher.

**Cancer causation:** The evaluation of cancer causation, i.e., can an exposure cause cancer, requires examination of different types of data and studies. Published guidelines exist for assessing causality, such as those proposed by Sir Austin Bradford-Hill [64]. These guidelines, others [65-68], and my experience allow me to conceptually develop an opinion about causation. Actually, similar principles espoused by Sir Bradford-Hill were well-applied earlier in the first Surgeon General's Report on smoking and health, concluding in 1964 that smoking causes lung cancer in men [69]. It has been argued that the Bradford-Hill criteria may be difficult to apply or has limitations [65;70], but there is an appeal for having the best possible framework to guide research agendas and study design [66;67]. It also has been considered that stating the statistics is sufficient to communicate causality, although not considering the level of risk, or reporting such, is not informative [71]. Some of the different models for assessing causality reflect a purely scientific perspective and debate, while others are derived to satisfy public health needs. For the approach to litigation, however, rather than for debates among epidemiologists, the Bradford-Hill methodology is appropriate and useful.

While not all of Bradford-Hill criteria are required to be met, there are some criteria that if violated would exclude the likelihood of causation, while fulfilling some may not lead to a definitive conclusion of causation without considering other criteria. Among the most important criteria is consistency in the literature, that is, do several well-designed and well-conducted epidemiology studies lead to similar findings in different populations, using different study designs. It should be noted that no single epidemiological study is definitive, and the consideration of a scientific report is performed in the context of other published studies. As an example of consistency within the epidemiological literature, Table 1 shows selected studies of tobacco smoking. In this example, in virtually every study ever done on tobacco smokers, an increased lung cancer rate or risk is seen. A determination of a biological gradient also is important, i.e., do scientific publications show a dose-response relationship, and do those doses

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| <b>Table 1</b><br><b>Selected Lung Cancer and Smoking Studies</b><br><b>Consistency of Association</b> |                            |  |
|--|----------------------------|--|
| <b>Cohort</b>  | <b>Number of subjects</b>  | <b>Positive lung cancer association?</b> |
| British Doctors [72]   | 34439                      | Yes                                      |
| ACS-25 State Study [73;74]   | 120000 men<br>619925 women | Yes<br>Yes                               |
| U.S. Veterans [75]   | 293,958                    | Yes                                      |
| Japanese Study [76]  | 265000                     | Yes                                      |
| ACS – 9 State Study [77]   | 187,783                    | Yes                                      |
| Canadian Veterans [78]   | 78000                      | Yes                                      |
| Swedish Study [78]   | 25,444                     | Yes                                      |
| California Study [79]  | 68,153                     | Yes                                      |
| MRFIT [80]   | 12,866                     | Yes                                      |
| Iowa Women's Health Study [81]   | 41,843                     | Yes                                      |
| Norwegian Study [82]   | 68,825                     | Yes                                      |

occur in the human exposure circumstance of interest. Another criteria is the strength of association, which allows one to consider if the reported association in an epidemiological study is plausible (e.g., not too high or too low). An evaluation of temporality considers if the exposure sufficiently preceded the cancer effect to allow for latency. Specificity considers if the cancer has other reported causes and if the effect occurs in the identified target organ. Given that lung cancer was a rare disease before smoking, lung cancer and tobacco smoking is an example of specificity. Coherence refers to an evaluation and agreement of different types of scientific data (epidemiological, laboratory animal studies, cell culture models, etc.), and do they provide similar findings that lead to a mechanistic understanding of how the chemical would cause cancer

in humans. Analogy looks to see if similar chemicals are known to behave similarly and what is the available scientific data for those chemicals. In summary, there is a general consensus for methodologies to consider what causes cancer. Some criterion are absolutely required (e.g., consistency and not violating dose-response). Violating some of the principals will preclude the ability to support a causal relationship (e.g., temporality).

*Target organ specificity:* With only a few possible exceptions, chemicals exert their carcinogenic effect specifically to only one or a few organs. And in this case, as stated above, not all type of leukemia are the same. Based on clinical and molecular characteristics, it can be concluded that leukemia subtypes are different diseases with different targets. Target organ specificity is common and biologically plausible. Just as our organs are not interchangeable, the types of cancers that arise from them are different. Exposure routes allow for greater or lesser exposure at the cellular level in the target organ (i.e., different blood flow or blockage of exposure by the blood-brain barrier). Different tissues and cells express different metabolizing proteins such as cytochrome P450s, which are "intended" by evolution to be protective and aid excretion. Different tissues and cells also have different DNA damage, repair and programmed cell death capacities. Organs have different clearance mechanisms. There are some chemicals

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that one would predict would be multiorgan carcinogens in humans, but are not. These include phenobarbital and caffeine. A clear example of target organ specificity is chemotherapy-related leukemia. As discussed above, there are chronic and acute leukemias, meaning that some people live for many years without or minimal treatment, while others are rapidly fatal. Depending on the cell type, the treatments are very different, as are the complications of the disease. Some chemotherapy can cause acute leukemia, but not chronic leukemia. Also, in the absence of other carcinogens such as radiation, chemotherapy does not induce other types of cancers.

## HOW CANCER DEVELOPS AND THE LATENCY OF CANCER

Leukemia is a type of cancer of the blood cells. Cancer is a multistage process of normal growth, differentiation and development gone awry. It is driven by spontaneous and carcinogen-induced genetic and epigenetic events. The genes in the cells of our body are composed of deoxyribonucleic acids (DNA) that serve as a written language that programs a cell's function and provides for the building blocks to make proteins. Carcinogens bind to DNA and cause mutations and gross chromosome changes (e.g., chromosomal deletions, transfers of DNA from one chromosome to another, and chromosomal breaks) and/or alter gene expression (e.g., by affecting the switches for gene transcription). Cells normally replicate, differentiate and provide basic functions that sustain life, and then they die naturally. Mutated genes and damaged chromosomes can affect these basic functions, unless naturally existing safety mechanisms prevail. There are redundant DNA repair mechanisms, and cells also can be triggered to die if unrepairable DNA damage exists (a dead cell cannot go on to become cancer). If both of these mechanisms fail, however, cells may begin to replicate uncontrollably, and grow large, ultimately pushing out the normal cells and disturbing organ function. In this case, the CML cells can push out normally functioning cells from the bone marrow. The cells also can secrete chemicals that affect the function of other cells, for example, making bone marrow cells less sticky so that they can circulate at high levels in the blood. Cancer cells also secrete signal proteins that allow for their survival, such as blood vessel formation and allowing for metastases.

Cancer is actually a genetic disease comprising many mutations and damaged chromosomes. As carcinogens cause cumulative damage, the probability of "initiated" cells to transform into a malignancy increases, the odds of which are increased during repeated rounds of cell replication. The primary genes involved in driving the cancer process are protooncogenes and tumor suppressor genes. Protooncogenes are important to the regulatory mechanisms of growth, cell cycle and terminal differentiation. Activation of protooncogenes enhance the probability of neoplastic transformation, which can either be an early or late event. Tumor suppressor genes also code for products that regulate cell growth and terminal differentiation. However, they have the opposite effect by limiting growth and stimulating terminal differentiation. If inactivated, then the cell may grown uncontrollably or replicate without limits defined only by blood supply and space.

Cancer is mostly a disease of aging. This is likely to be due to the redundant and

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protective mechanisms present in humans, e.g., metabolism, DNA repair and programmed cell death. While the DNA in our cells are constantly being exposed and affected by mutagens from birth, and before, most cancers do not develop until adulthood, and mostly much later. It is remarkable that we do not get all get cancer in childhood, if the presence of mutations, or single molecules were sufficient to cause cancer. Also, it is remarkable that persons we treat with chemotherapy or radiotherapy do not all get cancer. The fact that not everyone gets cancer at early ages also is consistent with a threshold effect for accumulated genetic damage (e.g., that one molecule cannot cause cancer, and that there needs to be enough exposure to cause multiple genetic abnormalities).

Recent data has highlighted the importance of the cancer stem cells, which are presumably derived from the stem cells within specific organs [83;84]. It is apparent that specific types of stem cells undergo the types of mutations described above, in specific cells that lead to cancers in target organs. Stem cells also secrete chemicals that affect the cells around them. Among the best studied are for leukemias, where the cells of origin that lead to very different types of leukemia are very different. There is data to show that there is little crossover from manipulating one type of stem cell to yield different types of leukemias or other cancers [83]

*Latency:* The issue of latency is important for the assessment of causality. It is an essential feature of the Hill criteria [64]. For individual risk assessment, and causality opinions in patients, it is obvious that exposure must precede the effect, or a causality opinion cannot be made. Latency generally refers to the time when exposure starts to the time a diagnosis is made. However, as stated above, cancer is a multistage genetic process so that this time frame would encompass a time period that includes early and late steps for carcinogenesis, and the time for symptoms to develop and be recognized as part of cancer. Latency for solid tumors is generally more than 20 years, and for some cancers are as long as 40 years. Cancers, when they first develop, are slow growing. Hematological malignancies can have a faster rate of growth than solid tumors and so the latency can be shorter than for solid tumors. However, the consideration for latency is imprecise, except for circumstances where there is a high dose and brief exposure, such as for atomic bomb exposures. Otherwise, there is generally considered a too brief latency time for which a dose and time to disease would be too short. On the other hand, to use a latency argument to support an opinion of causation is problematic, because for any individual, it is cumulative exposure that is required to trigger a clinical cancer to occur, and so it is impossible to know when the actual exposure began and ended. In this case, there is no airborne monitoring or personal exposure levels to document Mr. Christopher's alleged exposure.

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## **CARCINOGEN CLASSIFICATION AND POPULATION-BASED RISK ASSESSMENT**

The population-based risk assessment process, often more judgment and policymaking than science, is intended to protect the public health. The process utilizes the available scientific literature, beginning with a determination that there is sufficient evidence to warrant regulation of exposure. The decision to conduct risk assessment is based upon the classification of a potential chemical exposure as some type of carcinogen. This critical step provides great weight to animal studies, and allows for regulation in the absence of sufficient epidemiological data. This is done because our society wants chemicals regulated in the workplace and the environment, before we find out that a chemical is a hazard by causing cancer in humans. The regulation of a chemical, therefore, is based on criteria that are insufficient to allow a physician to advise a patient that their cancer has been caused by an exposure, that they have some future risk of cancer, or that they may need specific medical monitoring for the early detection of cancer.

Once a determination is made that a risk assessment should be performed, then study(s) are selected for the risk assessment modeling based on those that provide the best dose-response quantitative data. This does not always mean that there are consistent human studies to rely upon, or that the chosen studies are the best available, representative of the literature, or that there are not other better studies available (some of which might be null). Many times the experimental animal studies chosen use exposure scenarios substantially above what any human would be exposed to (e.g., by using maximally tolerated doses to animals) or animal models that will have different metabolic capacities. The modeling that is used, especially when based upon experimental animal data, incorporates many assumptions and safety factors to account for unknowns (e.g., our inability to know how to extrapolate animal data to humans). For example, many risk assessments assume that risks are linear, where one half the exposure will cause one-half the number of cancers. But this is not likely the case for low dose extrapolations at levels that humans are exposed, and for specific chemicals the actual shape of the curve for dose-response relationships are unknown. For the case of leukemia and benzene exposure, human epidemiological studies (and not case reports) are relied up to develop risk assessment estimates to protect workers and the public.

It is important to realize that regulatory and review processes, and the conclusions derived therein, are not applicable to the process of assessing past and future risk for individuals or groups of individuals such as in a litigation case. These agencies are classifying agents in order to prioritize which potential exposures should be considered for risk assessments and regulatory control. It is important to understand that these agencies consider population cancer risks (e.g., in thousands and millions of people) and do not provide conclusions regarding individual cancer risks (or for small groups of individuals). Their conclusions are focused on protecting the public health, i.e., to acknowledge that there are limitations in the scientific data and some risks might not be measurable. Their methods lead to an interpretation of data in ways that err on the side of



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caution and assume worse risk than can exist. While this is an important process to protect humans before we learn whether a chemical causes cancer in people, these agency methods and findings are not appropriate to support a conclusion of cancer causation in a particular individual, or to predict risk in particular individuals, or to conclude whether the chemical is carcinogenic in humans at all. Moreover, a conclusion of possible or probable carcinogenic potential for one type of cancer in a target organ or leukemia does not imply that the chemical can cause cancer in other organs.

Several review and regulatory agencies have considered the leukemogenic potential for benzene. Table 2 provides the evaluations by the Environmental Protection Agency (EPA), the International Agency for Research on Cancer (IARC), the American Conference of Governmental Industrial Hygienists (ACGIH) and the National Toxicology Program (NTP).

| Table 2<br>Carcinogenic Potential Designations by Review Agencies*  |     |      |   |      |       |           |
|---|-----|------|---|------|-------|-----------|
| Substance   | EPA | IARC | NTP   | OSHA | NIOSH | ACGIH TLV |
| Benzene   | A   | 1    | K   | Ca   | Ca    | A1        |
| *Empty cells means no rating by agency<br><br>EPA (The EPA has used different classifications over the last 10 years.)<br>A – Human carcinogen<br>B -- Probable human carcinogen: B1 Limited evidence from epidemiological studies, B2 Sufficient evidence from animal studies but inadequate for epidemiology<br>C -- Possible human carcinogen; limited evidence in animals<br>D -- Not classifiable; inadequate human and animal evidence, or no data available<br>K – Known human carcinogen based on either epidemiological evidence or a combination of epidemiology and experimental evidence., treated as if they were known carcinogens based on some epidemiology and strong experimental evidence<br>L – Likely to Produce cancer in humans bases on the weight of evidence, with high or low end of the weight. This may be given based on no epidemiological evidence and only experimental studies.<br>CBD – Cannot be determined, but there is suggestive evidence<br>NL – Not likely to be a carcinogen<br>CaH – Carcinogenic to humans<br>S – Suggestive, but not sufficient to assess human potential.<br>I – Inadequate data |     |      | IARC<br>1 -- Carcinogenic in humans<br>2A -- Probably carcinogenic to humans<br>2B -- Possibly carcinogenic to humans<br>3 -- Unclassifiable<br>4 -- Probably not carcinogenic<br><br>NTP<br>K -- Known to be a human carcinogen<br>R -- Reasonably anticipated to be a human carcinogen or sufficient evidence from animal studies<br><br>OSHA<br>Ca -- Carcinogen defined with no further categorization<br><br>NIOSH<br>Ca -- Carcinogen defined with no further categorization<br><br>ACGIH<br>A1 -- Confirmed human carcinogen<br>A2 -- Suspected human carcinogen<br>A3 -- Confirmed animal carcinogen<br>A4 -- Not classifiable<br>A5 -- Not suspected as a carcinogen |      |       |           |

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## **OVERVIEW OF OCCUPATION AND CHRONIC MYELOGENOUS LEUKEMIA RISK**

### **Railroad Work**

To start an evaluation of Mr. Christopher, it is best to examine what studies have been done in the railroad industry, and if any have been done that specifically assesses Mr. Christophers' type of work. There are numerous studies of workers assessing the railroad industry and leukemia risk, which consistently do not show an increased overall leukemia or CML risk. While these studies include workers from a diverse set of job classifications, and some of the focus has been on diesel exhaust or electromagnetic radiation as exposures for cancer risk, given that the allegations in this case are based in railroad work, it is reasonable to begin with an assessment of causality within this industry. If the plaintiff's experts were correct that benzene use in the railroad industry were sufficiently high to cause leukemia in general, and CML in particular, then studies of the railroad industry are most relevant to the present case. Because of the large number of studies, and the alleged benzene exposure, it would be expected to have some consistency for positive associations. Also, given the alleged exposure by plaintiff's experts, it would be reasonable to believe that scientists would have been reporting this and discussing benzene risks in the railroad industry. It should be noted that available studies include mechanics and other workers in railroad shops. I am aware of at least 9 publications for railroad work, none of which indicate an increased risk of leukemia [62;85-92]. Some of these were quite large, for example, including 42,826 subjects, and specifically considered persons who worked in round houses and did similar work as Mr. Christopher [90]. In this Howe study, et al. [90], leukemia risk was actually statistically significantly decreased. Only one study that I am aware of reports an association for leukemia and railway work, but this positive study was considering electromagnetic radiation exposure, and not the type of work done by Mr. Christopher [93]. A similar study was null for leukemia [94]. It should be noted that I rely on some studies that do not directly discuss railroad work in the publication, but investigated occupational exposures where an association to railroad work would have been identified, if it existed, because the study methodology included coding for many occupations such as railroad work. While this may not be true for some, and I do not have specific evidence to show that this is the case in any particular study, it is a common practice among scientists to study many risk factors simultaneously and report only those findings that they consider significant. Importantly, there is not a single report that I am aware of that reports an association of CML and railroad work. Several have specifically investigated CML [88;95;96]. Thus, there is insufficient evidence to make the causal assumption that work in the railroad industry is associated with increased leukemia or CML risk. There is no evidence to conclude that the type of work done by Mr. Christopher increases leukemia risk, and none has been cited by plaintiff's experts.

Mr. Christopher testified that he was exposed to benzene, including pure benzene, 50% of the time. This exposure history of being exposed to benzene 50% of the time is inconsistent with



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my understanding of the type of workplace for Mr. Christopher. The railroad industry is not known as one that regularly worked with benzene, although other types of solvents were commonly used. A literature search fails to identify benzene in solvents as a concerned risk in this industry [97;98]. I am not aware of any epidemiological study for cancer risk and the railroad industry that indicates an exposure to benzene as a concern. For example, benzene is not listed as an exposure in the 1983 publication of Howe and coworkers for 43,826 male pensioners who were exposed to fumes or other substances [90]. Some studies considering leukemia risk specifically stated that benzene was not used [93].

## **Benzene**

There is sufficient epidemiological data to conclude that at sufficient exposure, benzene is a risk factor for acute myelogenous leukemia (AML). However, this cannot be simply extrapolated to conclude an increased risk for CML. Also, it is important to note that there is a dose-response effect for AML, which results in regulatory agencies making the determination for permissible level of workplace exposure. So, even if there were a hypothesis formulated by plaintiff's experts that benzene causes CML, because of the association for AML, there would need to be an accompanied assessment for how much exposure would cause CML in an individual (there is no quantitative data indicating how much benzene Mr. Christopher would have been exposed to, or how much are in railroad work places like his.) The levels of exposure to benzene in workers with potential high exposure to benzene have been documented for industries with increased leukemia risk, along with the variables that would modify the exposure levels [99].

There is a large potential for exposure to benzene in the general population [100;101], yet it is noted that leukemia is not a common cancer, especially CML. Importantly, if benzene at low doses contributed to leukemia risk, then leukemia would be a common disease. This is not the case, as only 9,000 Americans per year are diagnosed with AML. Thus, dose-response relationships for considering benzene-related cancer risks apply here, just as in causality assessments of any type.

***Acute myeloid leukemia and benzene exposure:*** There is consistency in the literature for an association of benzene and AML [102-105]. However, there also is consistency for a dose-response relationship, where the workers who are at risk for leukemia are employed in industries with substantial and prolonged exposures to benzene. While there may be continuing debate about what level of exposure is needed to have a measurable increase in leukemia incidence [106;107], even those positive studies with lower workplace exposures exceed what would be conceivable for Mr. Christopher as understood for the type of place that he worked at [103;107-110]. For example, an extensively studied cohort is that of pliofilm workers, who made rubber film. Here, rubber would be dissolved in benzene and spread on a conveyer while the benzene evaporated. This potential direct exposure over a long period of time led to reporting of a

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statistically significant increased AML incidence at 200 parts per million-years (i.e., 10 ppm for 20 years) [103;107;111]. Or, employment working directly with benzene as a petroleum worker required 15 years of employment before risk was measurably increased [108;109]. Risk tends to be higher with earlier years of exposure, where it is presumed that exposure levels for these highly exposed workers were even higher [106;112]. There are studies of workers with levels of exposure around 1 ppm not in the petroleum or rubber industry where there is no increase in leukemia risk [113].

The studies that provide the best evidence that benzene causes acute leukemia comes from heavily exposed workers in the rubber industry, shoemakers (through glue that contained up to 88% of benzene) and from China. In these occupations, other hematological toxic effects from benzene occur too, e.g., aplastic anemia and cytopenias. In a series of studies by Rinsky and coworkers, with updates, they reported on rubber hydrochloride workers through 1996 and 20 years of follow-up [110;114]. More than one-half of the cohort was deceased (976 of 1845). The overall risk of leukemia was 2.47 (95%CI=1.38, 4.07). Regarding a dose relationship and levels that exist below which a measurable increase in leukemia risk could be observed, in their lowest exposure group, which was 1 ppm day-30.99 ppm years, there was no statistically significant increase in risk (SMR=1.45; 95%CI=0.53, 3.31). Using the same cohort, Paxton and coworkers published data through 1987 [106;112;115]. Their risk estimates at the lower levels of exposure were lower. It was noted that there were no cases of leukemia in persons who began employment after 1950.

Hayes and coworkers conducted a large study of various occupations in China [116]. They included 74,828 workers, and reported an overall leukemia risk of 2.2 (95% CI= 1.1, 4.2). One finding included the risk decreasing after longer times from exposure, analogous to radiation or chemotherapy-induced leukemia. The Hayes series of papers indicate that the level of risk for AML and MDS combined is elevated at an average 10 ppm exposure (RR=5.8; 95% CI= 1.8, 18.8), and they note that this risk is higher than the Rinsky studies [103;116]. However, at less than 10 ppm, the risk was reported to be 2.0 (95% CI=0.6, 7.0), which was not statistically significant. For PPM years, the rates also were not statistically significant until >40 ppm-years. In this Chinese cohort, benzene exposure also was related to MDS risk [117].

Shoeworkers from Turkey and Italy have been reported to have an increased risk of leukemia. In the Aksoy series, it was reported that shoemakers had an incidence of 13.59 per 100,000 workers, which declined with the recognition of the disease and protection in the workplace [118]. The data also is suggestive of a drop off of cases after 10 years when exposure decreased. Dose-response data is limited from these series, although were reported as high as 110 ppm. There are examples of the consistency in the literature for workplaces that have been linked to increased leukemia risk, and a dose-response effect, where there is no measurable risk at the lowest levels of exposure. Costantini [119] provided data for other shoe workers, comparing their results with the Rinsky [120], and showed similarities where the increased risk was only statistically significant about 200 ppm-years, and for all levels of exposure, the

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magnitude of the increased risk was similar. Other shoeworkers or manufacturers of rubber for shoes are positive [30;121;122].

The risk of leukemia can also be considered for the petroleum industry, where workers have continuous exposure to gasoline and other projects. Levels of total hydrocarbon exposure have been reported for different workers, such as those who distribute gasoline [123]. Regarding leukemia risk, there are some positive studies, while others are negative. A large meta-analysis by Wong and Raabe in 1995, based on 208,741 petroleum workers from the U.S. and Canada, with 4,665,361 person years, 56,441 deaths and 17 studies, found that the SMR for AML was only 0.96 (95% CI= 0.81, 1.13) [124]. Among the 17 studies, while some had elevated SMRs, none were statistically significant. Subset analyses for workers with more than 15 years of exposure were still null. Wong and coworkers studied petroleum workers in relation to gasoline exposure, known to contain benzene [125]. Based on 18,000 workers, this cohort included both land- and marine-based workers. The SMR for AML was 1.17 (95% CI=0.69, 1.85). The mean cumulative exposure to total hydrocarbons was 773 ppm-years. The mean duration of employment was 27.1 years. An analogous study by Schnatter, et al, focused on marketing and transportation workers within a petroleum company [126-128]. Among 34,597 workers, 5,041 were classified as exposed to finished products (e.g., diesel, gasoline and heating fuel). Leukemia risk was not elevated. In a separate publication, the subcategory of tank truck operators had an SMR of 3.35 (1.08, 7.81) for all types of leukemia, including chronic and acute [129]. This was based only on 5 deaths. Truckers were employed for more than 1 year. In another study of marketing and distribution workers, Rushton also did not find a clear association with AML [130]. Other studies of refinery workers are null [131;132].

I have considered that there are some petroleum industry studies that report positive associations, but there are many inconsistencies, and it is not clear that the literature demonstrates a dose-response relationship, which would be expected to demonstrate causality; some studies with lower exposures have positive risk estimates compared with studies that have higher exposures. Some studies might be positive because of higher levels of exposure. Australian petroleum workers were studied by Glass and coworkers in a nested case control study for 79 cases of leukemia and other hematological disorders, and 395 controls from an 18,000 person cohort [133]. They reported an OR for all leukemias at 1-2 ppm-years of 3.9 (95% CI=0.9, 17.1). For AML in particular, though, the risk was not increased until greater than 8 ppm-years. Although reporting increased risks at low levels of exposure, this study has been criticized in different ways, and so may overestimate risk [134;135]. A later re-analysis only found increased risks at greater than 16 ppm [136]. Divine and coworkers could not find an elevated SMR overall [137], but had borderline increased risks for workers employed before 1950 only (employment > 5 years) [138]. Christie and coworkers reported an SIR of 4.0 (95% CI= 1.6, 8.2) [139], although the SMR was not elevated [140]. In a study of petrol workers in Sweden and 9,000 men with 10 leukemia cases, a risk of 3.6 (95% CI=1.7, 6.6) was reported [141]. However, the level of benzene exposure was not studied (the authors noted that petrol contains 3-5% of benzene). These 10 workers included more than 5, typically about 15-20 years

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of exposure, some were rubber workers or had other benzene exposures. (One case was reported to have worked on a tanker and was not a petrol station worker.) Importantly, the risk estimates for these studies are relatively large, indicating that most studies in the industry should have also been positive, because there are many other larger studies. Thus, it is more likely that these results were either random findings or were due to other exposures. There are many other null studies or some that just missed significance for the petroleum industry and acute leukemia [92;142-146], or some that are positive [147] that this industry probably has variability of exposure, accounting for some of the differences among studies.

Some other studies also consider benzene exposure as a risk factor for leukemia. Guenel, et. al., conducted a nested case control study of utility workers where benzene monitoring was available [148]. In this large cohort of 170,000 men, they had 72 total cases of leukemia, and matched them to 285 controls. While there was an association for leukemia and benzene, this only was measurable for persons with >16.8 ppm-years of exposure (3.6; 95% CI=1.1, 11.7), and even adjustment for this became nonsignificant. Exposure had to have occurred for more than 20 years. Studies of workers in chemical manufacturing plants have been null for AML and exposure to benzene [132;149].

Although in one study it has been suggested that the number of days with high levels of exposure is a better predictor of leukemia than duration of exposure [150]. In that positive study [150], among 4,417 chemical workers with exposures above 100 ppm for more than 40 days, there was a risk of 4.1, this was not statistically significant (95% CI=0.5, 4.9), was based on 2 deaths, and there was an SMR of zero for all levels below that.

Some other groups have lesser but measurable exposure to benzene, such as persons working with gasoline, e.g., gas station attendants, and persons who transport gasoline in the trucking or shipping industry. Petroleum industry workers are discussed above. It has been estimated that exposures for truck drivers and marine workers carrying gasoline have full-shift total hydrocarbon exposures of 9 to 14 ppm in truckers and 2 to 35 ppm for marine workers [123]. Using biomarkers, service station attendants increase their mean breath concentrations to benzene, xylene and toluene [151]. Levels of exposure to benzene, xylene and toluene for filling station attendants have been reported [152;153].

In a cohort study of 2,665 Italian filling station attendants, the SMR for leukemia was 56 [154]. In a study of 19,000 service station workers, the reported SIR was 1.3 (95% CI=0.7, 2.1). Other studies of service station attendants were null, or inferred null [92;153-156]. I am aware of only one positive study, by Schwartz [157]. In this study of service station workers, Schwartz reported a proportionate morality ratio for leukemia and aleukemia in service station workers living in the state of New Hampshire of 328 (95%CI=113, 951). However, this was based only on 3 cases, and one acute leukemia. Also, this was a death certificate only study, where the occupation was coded from the certificate, and it was a PMR study. Loomis and Savitz followed this study with a better designed case-control study of men in 16 states, although they still relied on death certificates [156]. In this study, the results were clearly null for service station workers

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and leukemia overall, and for acute leukemia in particular. Using an ecological design considering the increased use of gasoline in European countries, it was predicted *a priori* that there would be an increase in leukemia, and specifically for AML [158], but none was found.

Infante and coworkers published a letter purporting the dangers of benzene in gasoline, citing three cases of leukemia in a group of garage workers residing in the District of Columbia [159]. This, however, was not an epidemiological study. Following this, Hunting and coworkers conducted a small study of garage workers, also within the District [160]. This study failed to find an association for employment with leukemia risk overall, but did claim an increased risk for leukemia and aleukemia in persons with the highest degree of exposures. The risk estimate was 9.26 based on 2 cases (histology not identified, but at most only one case had acute myelogenous leukemia). Another study reported a positive association for leukemia and mechanics, but the description of the data was limited including the type of mechanic, and CML was analyzed separately, but not reported. So likely was a null result [161]. In a study of automobile mechanics and gasoline service stations, Schwartz reported a proportionate mortality ratio for leukemia and aleukemia in mechanics living in the state of New Hampshire of 178 (95% CI=81, 392) [157]. However, only 3 of 8 cases were acute leukemia for auto mechanics. Importantly, as noted above, this was a death certificate only study, where the occupation was coded from the certificate, and it was a PMR study. Loomis and Savitz followed this study with a better designed case-control study of men in 16 states [156]. In this study, the results were clearly null for mechanics and leukemia overall, and for acute leukemia in particular. Thus, the 3 positive publications provide insufficient evidence to conclude that vehicle mechanics are at increased risk for leukemia. In contrast to these studies, the overall literature does not support a causal relation between work as mechanics and leukemia, where I am aware of about 7 other studies that are null, or studies that can be inferred as null [86;92;156;162;163]. Review publications agree [164]. For example, in a large study across 16 states, including 615,834 deaths (5,147 leukemia deaths), and using 10 controls for each case, the odds ratio was 0.8 (95% CI=0.5. 1.1). Reviews of leukemia risk in vehicle mechanics do not conclude an increased leukemia risk [165]. Several studies have considered exposure in the context of leukemia subtype, but these are not supportive of an association either [165].

**Chronic myelogenous leukemia and benzene risk:** Most of the studies cited above only consider benzene and acute leukemia risk, or leukemia risk in general. There has been less study for CML, and the available literature does not support the causal opinion that benzene can cause CML at some dose [101;104]. In a review of 10 studies, only 2 were reported positive [104]. For example, in the series of publications from China, no statistical increase could be found, and thus these findings could be random chance [117;166;167]. Also, the shoe workers in Turkey were not reported to have an increased risk of CML, including for those with high levels of exposure and pancytopenia [118;168;169]. For the Rinsky and coworker studies, CML was not increased; in their group, there were only three reported cases, two of which worked less than 1 month and one had an ICD code for acute leukemia [110]. Other rubber worker studies are null for CML [104;121;170;171]. Another study of leukemia that reported levels of benzene



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exposure do not find increased numbers of CML patients [133]. For the petroleum industry, where CML also was studied, null results has been reported [104;130;138;143;144;172], or inferred as null [129;173]. A large meta-analysis by Wong and Raabe in 1995, based on 208,741 petroleum workers from the U.S. and Canada, with 4,665,361 person years, 56,441 deaths, and 19 cohorts, found that the SMR for AML was only 0.89 (95% CI= 0.0.68, 1.15) [124]. Among the 19 cohorts reported, none had a statistically increased incidence of CML. Combined in different ways by geography, the meta-analysis did not indicate an increased risk, statistically significant or otherwise. Workers in the chemical industry and other industries with benzene exposure were null, or inferred as null for CML [108;148;150;174;175]. Persons exposed to gasoline vapors in the service station industry did not have reported increases in CML [153].

## PLAINTIFF'S EXPERT REPORTS

**Dr. Richard Lipsey:** I have reviewed the report dated June 9, 2006. Dr. Lipsey claimed that benzene could cause CML, and that Mr. Christopher was exposed to levels that caused his leukemia. There was no discussion about how he came to a causal opinion, no discussion of different types of leukemia in relation to exposure risk, and no scientific references were cited (with one exception). Thus, there is no evidence that Dr. Lipsey used an acceptable method for coming to his opinions. He concluded a temporal relationship, but did not indicate that there was a 13 year gap between ceasing the railroad work and the onset of the CML, where there is some literature to show that acute leukemia risk decreases over time. He claims that 11 year latency has been reported. There is no data to support this opinion. Also, Dr. Lipsey apparently assumes that the alleged benzene exposure was occurring through 1993. Importantly, Dr. Lipsey acknowledges that CML is different from other types of leukemia.

Dr. Lipsey refers to a paper of submarine sailors for his evidence that benzene can cause CML, which is apparently a paper by Dean published in 1996 [176]. This paper clearly does not support Dr. Lipsey's causal opinion. It actually is a case report for a single case among submariners, and the author states that there is only an occasional case of CML in relation to benzene exposure reported in the literature. Also, while this single submariner might have been exposed to benzene, submariners are exposed to many types of indoor air pollution, and so the relationship is only hypothetical, at best. The paper derives a risk estimate based on this single case, which is then cited by Dr. Lipsey. Actually, Dr. Lipsey cited the maximal exposure estimate, although there is no evidence for an actual level experienced by Mr. Christopher. It is notable that the author concluded: "The increased risk involved in developing the rare CML is considered to be extremely small." Finally, there is no epidemiological study of submariners reporting an increased leukemia risk.

Dr. Lipsey, on the other hand, concludes that smoking does not cause CML, which he notes stopped for Mr. Christopher in 1990.

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**Dr. Bernard Goldstein:** I have reviewed the report authored by Dr. Goldstein dated June 12, 2006. Dr. Goldstein concluded that there was a causal relationship between Mr. Christopher's reported benzene exposure and the development of his CML. Dr. Goldstein opined that the description of benzene use at Mr. Christopher's railroad workplace was credible, even though there is no data to support this, and the lack of evidence for an increased risk of leukemia in the railroad industry. If Dr. Goldstein were correct, and that there was real exposure at levels he assumes, then an increased risk for Mr. Christopher would have been identified in published studies of the railroad industry for leukemia in general, and CML in particular. Dr. Goldstein admits that there is "less conclusive epidemiological evidence" for a relationship for benzene-related CML among any literature and industry, and without such, any opinions extrapolated from studies that do not report results for CML is only speculative.

Dr. Goldstein discusses CML as developing from a stem cell, and attempts to analogize risks for all types of leukemia because these also derive from stem cells, albeit different ones. He does note in the literature that different types of leukemia would have different risks, for example chronic lymphocytic leukemia (CLL) [134]. In his publication, Dr. Goldstein concludes that benzene as a cause of CLL has not been conclusively shown, but this is inconsistent with the amount of available data leading to his conclusions for CML herein. Separately, it is not clear that Dr. Goldstein recognizes that the particular type of chromosomal abnormality in CML is not found in other types of leukemia, except in occasional cases of AML, and so the etiological link for Dr. Goldstein's opinion is tenuous. While there are some cytogenetic associations in workers exposed to benzene, as discussed by Dr. Goldstein, these also are not the type observed in CML [177].

Dr. Goldstein opines that because most cases of CML die from AML, the AML literature is applicable to CML, e.g., the CML increased risk is hidden in the AML literature. However, this is not defensible based on actual data or a consideration of reported chromosomal abnormalities for AML and benzene exposure (see above). Moreover, prospective cohort studies, such as the Australian Health Watch [133], would have identified the increasing cases of CML separate from AML. Dr. Goldstein admits the difficulties in formulating his opinions, and so, this leaves him only with a hypothesis and not a causality assessment.

The lack of quantitative exposure data for the workplace makes Dr. Goldstein's opinion problematic.

Dr. Goldstein discounts Mr. Christopher's long history for tobacco smoking as a causative factor in his disease. If Dr. Goldstein wants to consider all risks for AML as relevant for Mr. Christopher's causation assessment, it is inconsistent to conclude that the smoking was not a risk factor, or the major causative estimate. It is inconsistent to conclude that benzene can cause CML because it causes AML, and then disregard the scientific literature for smoking.

**Arthur Frank:** I have reviewed the report of Arthur Frank, dated February 20, 2006. He opined that Mr. Christopher's CML resulted from the alleged benzene exposure. There was no

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methodology provided, or discussion of scientific data to support this opinion, so that it is impossible to comment on this report.

## CONCLUSIONS

The following are my opinions and conclusions:

1. Mr. Christopher currently has chronic myelogenous leukemia. The latest medical records available to me indicate that he is in complete cytogenetic remission. Mr. Christopher's long term prognosis is excellent, although long term studies have not yet indicated what is the 10-year survival for persons who respond to Gleevec. He has additional treatment options, should the Gleevec treatment stop working, namely a higher dose of Gleevec and a number of new and promising investigational drugs. While stem cell transplantation is an option for some CML patients, it is likely that he will do well with the Gleevec, and he will be too elderly to tolerate a transplant. The survival figures at this point do not indicate the percent of CML patients who die from CML or other causes for 10 year survival, but given Mr. Christopher's age, it is more likely he will die from causes other than CML.
2. While some risk factors are known for CML, the causes for most patients remain obscure. This is true for Mr. Christopher. However, it would be improper to conclude that Mr. Christopher developed his CML because of work place exposures, because something must have caused it and there is a hypothesis that it might be benzene. In the clinic, we see cases like Mr. Christopher all the time, and we advise such patients that we do not know what causes CML. Clearly, there is no scientific consensus that benzene can cause CML, and none cited by plaintiff's experts.
3. It is alleged that Mr. Christopher developed his CML as a result of his railroad work and benzene exposure. While his described benzene exposure is not consistent with what would be expected for the railroad industry, there is no data to indicate that railroad workers are at an increased risk of CML, or leukemia in general. Thus, there remains the critical lack of data to support a causality claim in this case.
4. There is consistent data to show that sufficient exposure to benzene is a risk factor for acute myelogenous leukemia. However, CML is a different disease than AML. It looks different under a microscope, has a different chromosomal pattern, and is treated very differently. The only biological basis to analogize that benzene causes CML, because it causes AML, is that they are both hematological malignancies. However, there is not more data than this. For example, there is no data to show that a damaged stem cell can transform either into AML or CML. Because there is target organ specificity for carcinogenesis, it is equally possible, or more likely, that different carcinogens affect



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different stem cells and thus we do not see an equal occurrence of AML and CML in benzene-exposed workers.

5. There is insufficient human data to opine that benzene causes a measurable increase in CML at any dose. There are many studies of persons with high levels of exposure to benzene, and these consistently do not show an increase in CML risk. While CML is less common than AML, and one may speculate that human studies fail to identify an increased CML risk because it is less common than CML and available studies lack sufficient power, we remain with the relationship for benzene exposure and CML causation as a hypothesis, and almost no human data. For an individual causation assessment, for example, in the courtroom or the clinic, one should not opine that it is more likely than not that Mr. Christopher developed his CML as a result of his workplace.
6. A fundamental tenet of toxicology and cancer risk is the dose-response relationship. Even if there was sufficient human data to opine that benzene can cause CML, there is no data to know what would be the dose sufficient to increase risk. In this case, there is no quantitative data about how much benzene Mr. Christopher would have been exposed to. His testimony is inconsistent with what the scientific literature says about his benzene exposure. Thus, it is impossible to opine that Mr. Christopher was exposed to a sufficient amount of benzene to cause CML, because that dose is unknown, if any, and we do not know what he was exposed to.
7. It has been opined that the scientific studies have not identified an increased risk for CML in heavily exposed benzene workers because CML transforms to AML, and so CML cases are underdiagnosed. First, no human studies for benzene exposed workers exist to support this speculation. Second, benzene-exposed workers have been extensively studied, and medical surveillance systems are established for them that would identify early cases of CML, so it is likely that if there were an increased risk of CML, occupational physicians and scientists would have identified this. Third, the number of AML cases that developed from CML that was not diagnosed, as evidence by AML with the Philadelphia chromosome, is very small. Thus, the hypothesis that the AML literature is hiding an increased CML risk is likely not correct.
8. There are well-established methods for assessing individual causality; the plaintiff's experts reports do not indicate that an acceptable methodology was used. Rather, there is fragmentary or no literature support, their opinions are speculative and/or hypothetical, they cannot support a consistent literature, and they are based on unknown dose-response relationships. This report provides citations and discussions for numerous studies relevant to Mr. Christopher. They are representative of the worlds' literature. Plaintiff's experts need to rely on scientific studies, and the studies cited herein do not provide the basis for a causal opinion.

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9. Mr. Christopher was a heavy smoker. There is insufficient evidence to opine that Mr. Christopher developed his CML from smoking. There is sufficient evidence to conclude that cigarette smoking causes AML. Plaintiff's experts exclude smoking as a cause of Mr. Christopher's CML, but for them, this is inconsistent, because if they opine that benzene causes CML by way of a speculative AML analogy, then they must opine the same for smoking.

In summary, there is insufficient data to conclude that workplace exposures contributed to the development of Mr. Christopher's CML. Rather, he likely developed a CML of unknown etiology, which is typical for almost all patients with CML. The above opinions and conclusions are held by me a reasonable degree of medical and scientific certainty. If further information or data becomes available, I reserve the right to amend or alter my opinions. If there are further questions, please do not hesitate to contact me.

Sincerely,



Peter G. Shields, M.D.

Professor of Medicine and Oncology

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 Christopher v. Consolidated Rail Corp.  
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160. Hunting,K.L., Longbottom,H., Kalavar,S.S., Stern,F., Schwartz,E., and Welch,L.S. (1995) Haematopoietic cancer mortality among vehicle mechanics. *Occup.Environ Med*, **52**, 673-678.
161. Brownson,R.C. and Reif,J.S. (1988) A cancer registry-based study of occupational risk for lymphoma, multiple myeloma and leukaemia. *Int.J Epidemiol*, **17**, 27-32.
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164. Hotz,P. and Lauwerys,R.R. (1997) Hematopoietic and lymphatic malignancies in vehicle mechanics. *Crit Rev.Toxicol.*, **27**, 443-494.
165. Saverin,R., Braunlich,A., Dahmann,D., Enderlein,G., and Heuchert,G. (1999) Diesel exhaust and lung cancer mortality in potash mining. *Am J Ind.Med*, **36**, 415-422.
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168. Aksoy,M. and Erdem,S. (1978) Followup study on the mortality and the development of leukemia in 44 pancytopenic patients with chronic exposure to benzene. *Blood*, **52**, 285-292.
169. Aksoy,M., Erdem,S., and Dincol,G. (1976) Types of leukemia in chronic benzene poisoning. A study in thirty-four patients. *Acta Haematol.*, **55**, 65-72.
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171. Vigliani,E.C. (1976) Leukemia associated with benzene exposure. *Ann.N.Y.Acad.Sci.*, **271**, 143-151.
172. Wongsrichanalai,C., Delzell,E., and Cole,P. (1989) Mortality from leukemia and other diseases among workers at a petroleum refinery. *J.Occup.Med*, **31**, 106-111.
173. Bloemen,L.J., Youk,A., Bradley,T.D., Bodner,K.M., and Marsh,G. (2004) Lymphohaematopoietic cancer risk among chemical workers exposed to benzene. *Occup.Environ.Med.*, **61**, 270-274.
174. Massoudi,B.L., Talbott,E.O., Day,R.D., Swerdlow,S.H., Marsh,G.M., and Kuller,L.H. (1997) A case-control study of hematopoietic and lymphoid neoplasms: the role of work in the chemical industry [see comments]. *Am.J Ind.Med*, **31**, 21-27.

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Peter G. Shields, M.D.

List of Testimony Previous 5 Years

July 21, 2006

|                     |   |
|---------------------|---|
| 8/13/01             | Cronise v. Norfolk Southern - deposition    |
| 10/18/01            | Wilson v. CSX - deposition                  |
| 11/05/01            | Comer v. - deposition                       |
| 9/24/02             | Rivera v. Philip Morris - deposition        |
| 12/23/02            | Miles v. Philip Morris – deposition         |
| 2/6/03              | Miles v. Philip Morris - Trial              |
| 5/16/03 and 6/27/03 | Tolbert v. Monsanto - deposition            |
| 5/12/03             | Turner v. RJ Reynolds - deposition          |
| 6/30/03             | Krutsinger v Monsanto - deposition          |
| 3/12/04             | Krutsinger v Monsanto - deposition          |
| 12/22/04            | King v. BNSF - deposition                   |
| 6/13/05             | Palazzo v. Amtrak - deposition              |
| 6/17/05             | Schwab v. Philip Morris, et al. -deposition |
| 7/15/05             | Krustinger v. Monsanto - Trial              |
| 2/22/06             | Allgood v General Motors - deposition       |

## CURRICULUM VITAE

Name: Peter G. Shields, M.D.

Date Prepared: March 23, 2006

Professor of Medicine and Oncology  
Associate Director for Cancer Control and Population Sciences  
Director, Cancer Genetics and Epidemiology  
Lombardi Cancer Center  
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3800 Reservoir Rd. NW  
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Washington, DC 20057-1465  
Tel: 202-687-0003  
Fax: 202-687-0004  
EMAIL: pgs2@georgetown.edu

### Education:

- 1979 Bachelor of Arts (Biochemistry and American Civilization), University of Pennsylvania, Philadelphia, PA
- 1983 Medical Doctor, Mount Sinai School of Medicine, New York, NY
- 1983 Internship, Internal Medicine, The George Washington University Hospital, Washington, DC
- 1984 Residency, Internal Medicine, The George Washington University Hospital, Washington, DC
- 1987 Clinical Fellowship, Hematology and Oncology, The George Washington University Hospital, Washington, DC
- 1988 Fellow-Intramural Research Training Award (IRTA), National Institutes of Health, National Cancer Institute, Division of Chemical Etiology, Laboratory of Human Carcinogenesis, Bethesda, MD
- 1990 Summer Program in Epidemiology, Johns Hopkins Univ., School of Public Health and Hygiene, Baltimore, MD (Graduate course work in epidemiology and risk assessment)
- 1992 Summer Program in Epidemiology, Johns Hopkins Univ., School of Public Health and Hygiene, Baltimore, MD (Graduate course work in statistics)

### Brief Chronology of Employment:

- 1984 - 1996 Medical Director, La Clinica del Pueblo, Washington, DC
- 1985 - 1987 Intensivist, Capitol Hill Hospital, Washington, DC
- 1986 - 1987 Emergency Medicine Physician, Capitol Hill Hospital, Washington, DC
- 1986 - 1987 Senior Clinical Associate, Washington Occupational Health Associates, Inc., Washington, DC
- 1990 - 1999 Commissioned Officer: United States Public Health Service. Highest rank achieved - Captain (CO-06)
- 1990 - 1995 Senior Clinical Investigator, National Institutes of Health, National Cancer Institute, Division of Cancer Etiology, Laboratory of Human Carcinogenesis, Bethesda, MD
- 1995 - 1997 Acting Section Chief, National Institutes of Health, National Cancer Institute, Division of Basic Sciences, Laboratory of Human Carcinogenesis, Molecular Epidemiology Section, Bethesda, MD

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|             |   |
|-------------|---|
| 1997 - 1999 | Section Chief, National Institutes of Health, National Cancer Institute, Division of Basic Sciences, Laboratory of Human Carcinogenesis, Molecular Epidemiology Section, Bethesda, MD |
| 1997-2005   | Chairperson, Board of Directors. La Clinica del Pueblo, Inc. Washington, DC   |
| 2000-Date   | Special Volunteer, Laboratory of Human Carcinogenesis, Division of Basic Sciences, National Cancer Institute, Bethesda, MD  |
| 2000-Date   | Professor of Medicine and Oncology, Georgetown University Medical Center, Washington, DC (Tenure granted 2003)  |
| 2000-Date   | Director, Division of Cancer Genetics and Epidemiology Program, Department of Oncology, Georgetown University Medical Center, Washington, DC  |
| 2000-Date   | Leader, Cancer Genetics and Epidemiology Program, Lombardi Comprehensive Cancer Center, Georgetown University Medical Center, Washington, DC  |
| 2000-Date   | Associate Director for Cancer Control and Population Sciences, Lombardi Comprehensive Cancer Center, Georgetown University Medical Center, Washington, DC                             |
| 2005-Date   | Member, Board of Directors. La Clinica del Pueblo, Inc. Washington, DC  |
| 2006-Date   | Senior Medical Director, Capital Breast Care Center, Washington, DC   |

Board Certification and Eligibility:

1984 – Diplomate, National Board of Medical Examiners  
 1986 – Diplomate, American Board of Internal Medicine  
 1989 – Diplomate, American Board of Internal Medicine Subspecialty–Oncology  
 1990 – Diplomate, American Board of Internal Medicine Subspecialty–Hematology (exp 12/31/2000)

Academic Appointments:

|             |  |
|-------------|--|
| 1986 - 1990 | Clinical Instructor--Department of Medicine, The George Washington University Medical Center, Washington, DC   |
| 1990 - 1997 | Assistant Professor of Medicine--Division of Hematology and Oncology, The George Washington University Medical Center, Washington, DC  |
| 1992 - 1996 | Board of Directors--Metropolitan Capitol College of Occupational and Environmental Medicine  |
| 1997 - 1999 | Associate Professor of Medicine--Division of Hematology and Oncology, The George Washington University Medical Center, Washington, DC  |
| 1997 - 1999 | Tenured Investigator, National Institutes of Health, National Cancer Institute, Division of Basic Sciences, Laboratory of Human Carcinogenesis, Molecular Epidemiology Section, Bethesda, MD |
| 2000-Date   | Professor, Departments of Oncology and Medicine, Georgetown University Medical Center, Washington, DC  |
| 2004-Date   | Professor, Department of Pediatrics and Child Health, Howard University, Washington, DC  |

Societies:

Society for Research on Nicotine and Tobacco  
 American Association of Cancer Research (Molecular Epidemiology Group)  
 American College of Occupational and Environmental Medicine

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American Conference of Governmental Industrial Hygienists  
American Society of Preventive Oncology  
Medical Society of the District of Columbia  
Metropolitan Capital College of Occupational and Environmental Medicine

#### Honors and Other Special Scientific Recognition

Departmental Honors, Department of American Civilization, University of Pennsylvania, 1979  
Departmental Honors, Department of Biochemistry, University of Pennsylvania, 1979  
Magna Cum Laude, University of Pennsylvania, 1979  
Alpha Omega Alpha Honor Society, Mount Sinai School of Medicine, 1982  
Physician Recognition Award, American Medical Association, 1990  
Distinguished Service Medal, George Washington University Medical Center, 1993  
Janice Jirau Award for Community Service, Comprehensive AIDS Resources and Education Consortium, 1994  
Physician Recognition Award, American Medical Association, 1994  
Steering Committee Chairman, elected position. Molecular Epidemiology Group, American Association for Cancer Research, 2000-2001

#### Grants Received – Expired

U.S. Army Medical Research Acquisition, Department of the Army  
Title: Environmental Exposure, Genetic Polymorphisms, 1994-1997  
and p53 Mutational Spectra in a Case-Control \$486,000 (total)  
Study of Breast Cancer.  
Role on Project: Principal Investigator

This project focused on the detection of p53 mutations in relation to genetic polymorphisms for breast cancer risk with collaborators at the University of Buffalo.

Office of Special Populations Research  
Title: NCI and Howard University Training Program 1998-2000  
for Molecular Epidemiology. \$200,000 (total)  
Role on Project: Principal Investigator

This project was to provide multidisciplinary training to minority researchers to advance careers in molecular epidemiology.

Office of Special Populations Research, NCI  
Title: Cellular Responses to Mutagens in Lung Cancer 1998-2000  
Cases and Controls \$195,000 (total)  
Role on Project: Co-Investigator

This project investigates the relation of mutagen sensitivity and genetic polymorphisms in lung cancer risk.

Office of Special Populations Research  
Title: Gene-environment interactions for breast 1999-2000 10%  
cancer risk and survival in different racial and ethnic groups. \$138,000 (total)

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Role on Project: Principal Investigator

This project is a collaborative effort with investigators at the MD Anderson Cancer Center to study the effort of genetic polymorphisms and modification of exposures that leads to cancer risk and survival.

Komen Foundation

Title: Georgetown University and Howard University 2000-2001  
Medical Center Training Program for Molecular \$186,000 (total)  
Epidemiology

Role on Project: Principal Investigator

This project recruits and trains pre- and postdoctoral fellows to study racial differences in cancer risk and methods to study minority populations.

NCI, P50 CA58185-09 (Dickson, PI)

Title: Specialized Program of Research Excellence in 09/00 - 08/01  
Breast Cancer \$1,303,132 (annual)

Role on Project: PI of Biomarker Core resource; PI of pilot project

To collect patient histories and biological fluids to be used by investigators in the study of breast cancer risk factors and outcomes.

Park Foundation

Title: Molecular Epidemiology of Secondary Lung Cancer 2000-2002  
Role on Project: Principal Investigator \$200,000 (total)

To determine p53 mutational spectra and genetic susceptibility in breast tumors and secondary lung cancers in Swedish women treated with radiation therapy.

Department of the Army, DAMD BC980583

Title: Molecular epidemiology of breast cancer: Development 10/99-9/03  
& Validation of Acetylation Methods for Carcinogen-DNA \$316,782 (total directs)  
Adduct Detection

Role on Project: Principal Investigator

This is an Idea Grant to develop and apply carcinogen DNA adduct detection methods using <sup>14</sup>C-acetic anhydride postlabeling in normal breast tissues, liver and blood.

NCI, 5 U24 CA78146-03 (Isaacs, PI)

Title: Cancer Genetics Network 09/99-09/04  
Role on Project: Co-Principal Investigator

To participate in accrual of cancer cases with and without a family history of cancer.

NCI P20 CA91403 (Shields)

Title: University of District of Columbia and Lombardi 2001-2004  
Cancer Center Partnership for Cancer Research \$63,636 (annual directs)  
training, education and outreach.

Role on Project: Principal Investigator

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To develop a joint training program for UDC faculty and undergraduates in the area of cancer research and education.

NCI, P30 CA51008-11S1 – Supplement (Pestell, PI)  
Office of Special Populations Research  
Title: Georgetown University and Howard University 2000-2003  
Training Program for Molecular Epidemiology. \$125,000 (annual)  
Role on Project: Principal Investigator of supplement

This project is to provide multidisciplinary training to minority researchers to advance careers in molecular epidemiology.

NIH, 1 P50 CA84718-01 (Lerman, PI)  
Title: Transdisciplinary Tobacco Use Research Center 10/99-9/04  
Role on Project: Co-Principal Investigator; Site PI \$1,500,000 (annual)

This Tobacco Center is similar to a program project. Dr. Shields is Co-PI of the entire center and PI of a project that studies genetic determinants of smoking topography and smoking behavior determinants on carcinogen adduct formation. Dr. Shields also is the PI of the molecular genetics core.

#### Grants Received – Current

NCI, P30 CA51008-11S1 (Dritchillo, PI)  
Title: Lombardi Comprehensive Center Core Grant 1996-2008  
Role on Project: Associated Director for Cancer Control and  
Population Sciences; Program Director of Cancer Genetics  
and Epidemiology Program

To provide a coordinated and comprehensive cancer research program.

National Cancer Institute R01 (Freudenheim, PI)  
Title: Methylation and Oxidation in Breast Cancer 2002-2007  
Epidemiology \$1,700,00 (total directs)  
Role on Project: Co-Principal Investigator, Site PI

To determine the nutritional and genetic risk factors for p53 mutations and hypermethylation of genes involved in breast cancer

National Cancer Institute R01 (Shields, PI)  
Title: Molecular Epidemiology of Secondary Lung Cancer 2002-2007  
Role on Project: Principal Investigator \$2,503,634 (total directs)

To determine p53 mutational spectra and genetic susceptibility in breast tumors and secondary lung cancers in Swedish women treated with radiation therapy.

Department of the Army, Breast Center of Excellence (Shields, PI) 01/01/03-12/31/07  
Title: Molecular Epidemiology and Breast Carcinogenesis: \$5,000,000 (total directs)



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Alcohol Drinking as a Paradigm  
Role on Project: Principal Investigator

This is a multidisciplinary, multiple project Center that will study the causes of breast cancer as it relates to alcohol drinking and diet. The projects include cell culture, animal and human studies, including 3 that are epidemiology.

NCI Minority Serving Institution/Comprehensive Cancer Center  
Partnership – U56 (Shields, PI) 01/01/03 - 12/31/08  
Title: University of the District of Columbia and the Lombardi Cancer Center Partnership for Cancer Prevention and Control \$368,721 (total directs)  
Role on Project: Principal Investigator

This is a multiproject grant to develop new research projects in the areas of cancer prevention and control that are based in the African American Community. It also includes an undergraduate and masters level training program.

Avon Foundation-American Association of Cancer Research  
Title: Avon Foundation-AACR International Scholars Program  
Role on Project: Principal Investigator

This is a training program that allows researchers from lesser developed countries to learn molecular epidemiology.

#### External Committees and Service

|             |   |
|-------------|---|
| 1993 - 1999 | Member, Biochemical Epidemiology Committee, NCI. Serves to review and approve research protocols for the Division of Cancer Epidemiology and Genetics.  |
| 1994 - 1996 | Howard Hughes Medical Institute, NCI Research Scholars Advisor  |
| 1996 - 1998 | Member, Contract Utilization Committee, NCI. Serves to review the contract portfolio for the Division of Cancer Epidemiology and Genetics.  |
| 1997 - 1998 | Member, NCI Task Force for Breast Cancer. Task force to review current research agenda for the NCI.   |
| 1997        | Program Peer Reviewer, American Cancer Society, to review ACS intramural epidemiology program, Atlanta, GA  |
| 1997        | Grant Review Committee, Department of Energy, to review DOE grant proposals from program entitled Radiation Health Effects in the Russian Federation, Arlington, VA   |
| 1998        | Program Committee member – International Conference of Carcinogenesis and Risk Assessment, Austin, TX   |
| 1998        | Program committee member – IV International Conference on Cancer, Venice, Italy 1997 Molecular Epidemiology Coordinating Committee, NCI. Committee selected by the Director, NCI, to define an intramural research agenda for molecular epidemiology. |
| 1997 - 1999 | Member, Biorepository Committee, NCI, to oversee biorepository, serves at Frederick, MD   |
| 1998 - 1999 | Reviewer, Epidemiology and Disease Control Study Section 2, NIH, Bethesda, MD (Ad Hoc Reviewer)   |

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|             |  |
|-------------|--|
| 1998        | Program Committee – Carcinogenesis, Metabolism, Mutagenesis and DNA Repair Chairperson. AACR 1999 Annual Meeting,  |
| 1998        | Member, Tobacco Research Implementation Group, NCI, Bethesda, MD   |
| 1998-Date   | Member, Joint Coordinating Committee for Radiation Effects Research in the Russian Federation. Department of Energy  |
| 1999-Date   | Member, Epidemiology and Disease Control Study Section 2, NIH, Bethesda, MD  |
| 1997-2002   | Molecular Epidemiology Group – Newly formed working group of molecular epidemiologists within the AACR. Dr. Shields served on the steering committee as the Communications Committee Chairperson 1999, and elected Steering Committee Chairperson 2000 |
| 1999-2001   | Member, Institute of Medicine Committee on “Assessing the science base for tobacco harm reduction”   |
| 2001-Date   | Member, District of Columbia Board of Medicine   |
| 2001        | Program Committee, Chair of Genetic Epidemiology. American Association of Cancer Research Annual Meeting for 2002  |
| 2001-Date   | Member, P01 Advisory Board. Barbara Weber, PI. University of Pennsylvania, Phila., PA  |
| 2002        | Reviewer, MD Anderson Cancer Center Prevention Program. Houston, TX  |
| 2002 - Date | Member, Genitourinary Spore Grant Advisory Board (PI: C. Dinney), Houston Texas  |
| 2002 - Date | Member, Scientific Advisory Committee, State of Massachusetts Tobacco Control Program  |
| 2003 - Date | Chair, Steering Committee, Howard/Hopkins Cancer Center Partnership, Washintgon, DC  |
| 2004-Date   | Member, Subcommittee A- Cancer Centers, Initial Review Group, National Cancer Institute, National Institutes of Health   |
| 2004-Date   | Chair, Steering Committee, Roswell Park Cancer Center/University of Puerto Rico Partnerhip, Buffalo, NY  |
| 2005 - 2006 | Member, Local Liason Committee, American Association of Cancer Research  |
| 2005 - Date | Member, AACR Task Force on Behavioral Science and Cancer   |
| 2005 - Date | Chair, Molecular Epidemiology Interest Group. American Society of Preventive Oncology  |
| 2005- Date  | Member, Executive Committee. American Society of Preventive Oncology   |
| 2006-Date   | Member, Scientific Review Panel. Cancer Research and Prevention Foundation   |

University Service

|           |  |
|-----------|--|
| 2000-Date | Executive Committee, Tumor Biology Program. Lombardi Cancer Center, Georgetown University Medical Center, Washington, DC |
| 2000-2001 | Chairperson, Head of Biostatistics Unit Search Committee, Lombardi Cancer Center, Washington, D.C.                       |
| 2000-Date | Executive Committee Member, Lombardi Cancer Center, Georgetown University Medical Center, Washington, DC                 |
| 2000-2003 | M.D.- Ph.D. Executive Committee, Georgetown University Medical Center Washington, DC                                     |
| 2000-Date | Member, Executive Committee Georgetown University Tumor Biology Committee  |
| 2002-2003 | Member, Georgetown University Public Health Task Force   |
| 2005-Date | Member, Georgetown University Rank and Tenure Promotions Committee   |

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#### Peer-Reviewed Journal Activities

1996-1999 Advisory Editorial Board for Cancer Epidemiology, Biomarkers and Prevention  
1999-2002 Member, Editorial Board, Carcinogenesis  
1997-1999 Editorial Board for Oncology Reports  
1999-2002 Associate Editor for Cancer Epidemiology, Biomarkers and Prevention  
1998-2003 Advisory Editorial Board for Pharmacogenetics  
2002-Date Section Editor for Cancer Epidemiology, Biomarkers and Prevention  
2003-Date Associate Editor for International Journal of Cancer Prevention  
2005-Date Associate Editor for Molecular Carcinogenesis

Reviewer - Journal of the American Medical Association, Journal of the National Cancer Institute, Cancer Research, Mutation Research, Carcinogenesis, International Journal of Cancer, Biotechniques, Journal of Clinical Pathology, Environmental Sciences and Technology, Cancer Genetics and Cytogenetics, Biological Psychiatry, Cancer, Annals of Internal Medicine, Lancet, Breast Cancer Research and Treatment and others.

#### Thesis Advisory Activities

Tracy Ford, Masters in Genetics, CYP1A1 and Breast Cancer Risk. Howard University. Degree Awarded, 1996.

Lea Harty, Ph.D. in Epidemiology, ADH3 Genetic Polymorphisms in Oral Cavity Cancer. Johns Hopkins University. Degree Awarded, 1997.

Bryan Cobb, Masters in Genetics. NAT1 in Prostate Cancer. Howard University Hospital. Degree Awarded, 1997.

Tosin Foseru, Masters in Public Health. P53 Mutations in Human cancer. George Washington University. Degree Awarded, 1997.

Edwin Park, Masters in Public Health. PCBs in Breast Tissues, George Washington University. Degree Awarded, 1998.

Tasha Barnes, Masters in Genetics. NAT2 in Prostate Cancer. Howard University. Degree Awarded, 1998.

Dawn Elder, Masters in Genetics. CYP1A1 and GSTM1 in Oral Cavity Haman. Howard University. Degree Awarded, 1998.

Kareem Washington, Masters in Genetics. Micropreparative techniques for DNA-adduct purification. Howard University. Degree Awarded 2000.

Simone Sumner. Ph.D. candidate, Genetics Department, Howard University. Molecular Markers and Epidemiology of Breast Cancer. Degree awarded. 2004.

Ramona Dumitrescu. Ph.D. candidate, Universitatea Babes-Bolyai, ClujNapoca, Romania. Genotypic and Phenotypic Correlations in Breast Normal Tissues. Degree awarded. 2004.

Meredith Tennis. Ph.D candidate, Tumor Biology Program, Georgetown University. Molecular Epidemiology of Secondary Lung Cancers. Degree pending.

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Luisel Ruiz. Ph.D. candidate, Tumor Biology Program, Georgetown University. Identification of low penetrance breast cancer risk genes affecting risk in women with BRCA1 mutations. Degree pending.

Adana Llanos. Ph.D. candidate, Genetics Department, Howard University. Mammographic breast density and breast cancer risk. Degree pending.

#### Teaching Activities

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| 2000-Date | Executive Committee and faculty member. Tumor Biology Program. Lombardi Cancer Center. Georgetown University Medical Center, Washington, DC                                      |
| 2000-Date | Executive Committee and faculty member. M.D./Ph.D. Training Program. Georgetown University Medical Center, Washington, DC  |
| 2000-2004 | Course Director. Topics in Molecular Epidemiology. Tumor Biology Program, Lombardi Cancer Center. Georgetown University Medical Center, Washington, DC                           |
| 2000-Date | Guest Lecturer in various courses in Georgetown Tumor Biology Training Program and Medical School, Howard University Department of Genetics, University of District of Columbia. |
| 2004-Date | Co-course director. Cancer Prevention and Control. Lombardi Cancer Center. Georgetown University Medical Center, Washington, DC  |

#### Research Interests:

1. Mechanisms of chemical carcinogenesis; inherited susceptibilities, metabolism of carcinogens, DNA damage, DNA repair and cell cycle control.
2. Molecular epidemiology; uses in risk assessment, development and application of new non-invasive techniques for exposure monitoring; inherited predispositions to cancer

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- 2006-       **Shields, P. G.** and Chase, K. C.: Torsion of the omentum: another vibration-related injury. J. Occup. Med. 30: 892-894, 1988.
- 2007-       **Shields, P.G.**, Dawkins, F., Holmlund, J., Cohen, P. and Schulof, R. S.: Low-dose multidrug chemotherapy plus pneumocystis prophylaxis for HIV-related Kaposi's sarcoma. J. AIDS 3: 695-700, 1990.
3.       **Shields, P.G.**, Povey, A. C., Wilson, V., Weston, A. and Harris, C. C.: Combined high performance liquid chromatography/<sup>32</sup>P-postlabeling assay of N<sup>7</sup>methyldeoxyguanosine in human lung. Cancer Res. 50: 6580-6584, 1990.
4.       **Shields, P.G.**, Sugimura, H., Caporaso, N. E., Petruzzelli, S. F., Bowman, E. D., Trump, B. F., Weston, A. and Harris, C. C.: Polycyclic aromatic hydrocarbon-DNA adducts and the CYP1A1 RFLP. Environ. Health Perspect. 98: 191-194, 1992.
5.       Caporaso, N. E., **Shields, P.G.**, Landi, M. T., Shaw, G. L., Tucker, M. A., Hoover, R., Sugimura, H., Weston, A. and Harris, C. C.: The epidemiologic and laboratory implications of non-correspondence between the debrisoquine metabolic phenotype and DNA-based assays: Implications of misclassification for the association of lung cancer and the debrisoquine metabolic phenotype. Environ. Health Perspect. 98: 101-105, 1992.
6.       Qu, Y. H., Xu, G. X., Zhou, J. Z., Chen, T. D., Zhun, L. F., **Shields, P.G.**, Wong, H. W., and Gao, Y. T.: Genotoxicity of heated cooking oil vapors. Mutation Research, 298: 105-111, 1992.
7.       Kato, S., **Shields, P.G.**, Caporaso, N. E., Hoover, R., Weston, A. and Harris, C. C.: CYP2E1 polymorphism and racial variation. Cancer Res. 52: 6712-6715, 1992.
8.       Weston, A., Bowman, E. D., **Shields, P.G.**, Trivers, G. E., Poirier, M. D., Santella, R. M. and Manchester, D. K.: Detection of polycyclic aromatic hydrocarbon-DNA adducts in human lung. Environ. Health Perspect. 90: 257-259, 1993.
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10.       Kato, S., Petruzzelli, S., Bowman, E. D., Turteltaub, K. W., Weston, A. and **Shields, P.G.**: 7-alkyl-deoxyguanosine adduct detection by two step high performance liquid chromatography and the <sup>32</sup>P-postlabeling assay. Carcinogenesis, 14: 545-550, 1993.
11.       Pfeifer, A. M. A., Cole, K. E., Smoot, D. T., Weston, A., Groopman, J. D., **Shields, P.G.**, Vignaud, J. M., Juillerat, M., Lipsky, M. M., Trump, B. F., Lechner, J. F., and Harris, C. C.: SV40 T-antigen immortalized normal human liver epithelial cells express hepatocyte characteristics and metabolize chemical carcinogens. Proc. Natl. Acad. Sci. USA, 90: 5123-5127, 1993.

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1. **Shields, P.G.** and Harris, C. C.: Environmental causes of cancer. Med. Clin. North Am. 74: 263-277, 1990.
2. Chase, K. C. and **Shields, P.G.**: Medical surveillance in PCB exposed persons. Occup. Med., State of the Art Rev. 5: 33-39, 1990.
3. Weston, A., Sugimura, H., Modali, R., Bowman, E. D., Caporaso, N. E., Manchester, D. K., **Shields, P.G.**, Poirier, M. C. and Harris, C. C.: Molecular dosimetry, genetic susceptibility and cancer risk. In Volans, G., Sims, J., Sullivan, F. and Turner, P. (Eds.): Basic Science in Toxicology: Proceedings of the V International Congress of Toxicology. Philadelphia, Taylor and Francis, Ltd., 1990.
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6. Sugimura, H., Weston, A., Caporaso, N. E., **Shields, P.G.**, Bowman, E. D., Metcalf, R. A. and Harris, C. C.: Biochemical and molecular epidemiology of cancer. In Chang, L. W. and Hart, R. (Eds.): Recent Advances in Biomarker Research. Academic Press, New York, 1991, pp. 73-92.
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8. **Shields, P.G.** and Chase, K. C.: Polychlorinated biphenyls and other polyhalogenated aromatic hydrocarbons. In Sullivan, J. B. (Ed.): Medical Toxicology of Hazardous Materials. New York, Williams and Wilkins, 1992.
9. Weston, A., **Shields, P.G.**, and Bowman, E. D.: Isolation of polycyclic aromatic hydrocarbon-DNA adducts from human lung. In: Garrigues, P. and Lamotte, M. (Eds.) Polycyclic Aromatic Hydrocarbons, Gordon and Breach Science Publ., France, 1992, pp. 937-944.
10. **Shields, P.G.**: Inherited factors and environmental exposures in cancer risk. J. Occup. Med. 35: 34-41, 1993.
11. **Shields, P.G.** and Harris, C. C.: Principles of Chemical Carcinogenesis. In DeVita, V. T., Hellman, S. and Rosenberg, S. A. (Eds.): Cancer: Principles and Practice of Oncology, J.B. Lippincott Co., Philadelphia, PA. 4th Ed., 1993, pp. 200-213.

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12. **Shields, P.G.**, Kato, S., Bowman, E. D., Petruzzelli, S., Cooper, D. P., Povey, A. C. and Weston, A.: Combined micropreparative techniques with synchronous fluorescence spectroscopy or <sup>32</sup>P-postlabeling assay for carcinogen-DNA adduct determination. In Phillips, D.H., Castegnaro, M. and Bartsch, H. (Eds.): Postlabeling Methods for Detection of DNA Adducts, IARC, Lyon, 1993, pp. 243-254.
13. Povey, A. C., Wilson, V. L., Weston, A., Doan, V. T., Wood, M. L., Essigmann, J. M. and **Shields, P.G.**: Detection of oxidative damage by <sup>32</sup>P-postlabeling: 8-hydroxydeoxyguanosine as a marker of exposure. IARC Sci. Publ., 124: 105-114, 1993.
14. **Shields, P.G.** and Harris, C. C.: Genetic predisposition to lung cancer. In Roth, J. A., Cox, J. D. and Hong, W. K. (Eds.): Diagnosis and Therapy of Lung Cancer, Blackwell Scientific Publications, Cambridge, 1993, pp. 3-19.
15. **Shields, P.G.** Clinical applications of molecular genetics. In McKunney, R. J. (eds.): Handbook of Occupational Medicine. Little, Brown & Co., 1994, pp. 418-427.
16. **Shields, P.G.**: Pharmacokinetics: Detecting sensitive populations. Environ. Health Perspect. Vol. 102, (Suppl. 11): 81-87, 1994.
17. Ambrosone, C. B., Kato, S., Bowman, E. D., Harrington, A. M., Blomeke, B., Freudenheim, J. L., Graham, S., Marshall, J. R., Vena, J. E., Brasure, J. R. and **Shields, P.G.**: Chemicals and Cancer. Euro. J. Cancer Prev., 5: 25-27, 1996.
18. **Shields, P.G.** and Yuspa, S.: Principles of Carcinogenesis: Chemical. In DeVita, V. T., Hellman, S. and Rosenberg, S. A. (Eds): Cancer: Principles and Practice of Oncology, J. B. Lippincott Co., Philadelphia, PA. 5th Edition, 1997, pp. 185-202.
19. Ambrosone, C. B. and **Shields, P.G.**: Molecular epidemiology of breast cancer. In Aldaz, C. M., Gould, M. N., McLachlan, J. and Slaga, T. J. (Eds.): Etiology of Breast and Gynecological Cancers. Wiley-Liss Inc., New York, 1997, pp. 83-99.
20. Warren, A. J. and **Shields, P.G.**: Molecular epidemiology: carcinogen-DNA adducts, and genetic susceptibility. Proc. Soc. Exper. Biol. Med. 216: 172-180, 1997.
21. Goldman, R. and **Shields, P.G.**: Molecular epidemiology of breast cancer. In Vivo, 12: 43-48, 1998.
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23. Ambrosone, C. B. and **Shields, P.G.**: Smoking as a risk factor for cancer. In: Bowcock, A (Ed), Breast Cancer. Humana Press, NJ. 1999.
24. Bennett, W. P., Hussain, S. P., Vahakangas, K. H., Khan, M. A., **Shields, P.G.**, and Harris, C. C.: Molecular epidemiology of human cancer risk: Gene-environment interactions and p53 mutation spectrum in human lung cancer. J. Pathol. 187: 8-18, 1999.

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25. Lai, L., and **Shields, P.G.**: The role of interindividual variation in human carcinogenesis. J. Nutr. 129: 552S-555S, 1999.
26. Blomeke, B. and **Shields, P.G.**: Methods for Genetic Polymorphism Analysis. Metabolic Polymorphisms and Cancer. IARC Sci. Publ. 148: 133-148, 1999.
27. Freudenheim, J. L., Ambrose, B., Moysich, K. B., Vena, J. E., Graham, S., Marshal, J. R., Muti, P., Laughlin, R., Nemoto, T., Harty, L. C., Crits, G. A., Chan, A. W. K., and **Shields, P.G.**: Alcohol dehydrogenase 3 genotype modification of the association of alcohol consumption with breast cancer risk. Epidemiology. 10: 369-377, 1999.
28. Moysich, K. B., Freudenheim, J. L., Baker, J. A., Ambrosone, C. B., Bowman, E. D., Schisterman, E. F., Vena, J. E., and **Shields, P.G.**: Apolipoprotein E genetic polymorphism, serum lipoproteins, and breast cancer risk. Molecular Carcinogenesis. 5: 2-9, 2000.
29. **Shields, P.G.**: Molecular Epidemiology of Lung Cancer. Ann. Oncol. 10 Suppl. 5: S7-11, 1999.
30. **Shields, P.G.**: Publication bias is a scientific problem with adverse ethical outcomes: the case for a section for null results. Cancer Epidemiological Biomarkers Prev. 9(8):771-772, 2000.
31. **Shields, PG.** and Harris,CC.:Cancer Risk and Low Penetrance Susceptibility Genes in Gene-Environment Interactions. Journal of Clinical Oncology. 18(11):2309-2315, 2000
32. **Shields, P.G.**: Epidemiology of Tobacco Carcinogens, Current Oncology Report. 2:257-262, 2000
33. Yuspa, S. and **Shields, P.G.**: Principles of Carcinogenesis: Chemical. In DeVita, V. T., Hellman, S. and Rosenberg, S. A. (Eds): Cancer: Principles and Practice of Oncology, J. B. Lippincott Co., Philadelphia, PA. 6th Edition, 2000.
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35. Hemminki K, **Shields PG.**: Skilled use of DNA polymorphisms as a tool for polygenic cancers. Carcinogenesis. 2002 Mar;23(3):379-80.
36. **Shields PG.** Molecular epidemiology of smoking and lung cancer. Oncogene. 2002 Oct 7;21(45):6870-6.
37. **Shields PG.** Tobacco smoking, harm reduction, and biomarkers. J Natl Cancer Inst. 2002 Oct 2;94(19):1435-44.
38. Lee WJ, Brennan P, Boffetta P, London SJ, Benhamou S, Rannug A, To-Figueras J, Ingelman-Sundberg M, **Shields P**, Gaspari L, Taioli E. Microsomal epoxide hydrolase polymorphisms and lung cancer risk: a quantitative review. Biomarkers. 2002 May-Jun;7(3):230-41.



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39. Goldman R, **Shields PG**. Food mutagens. J Nutr. 2003 Mar;133 Suppl 3:965S-973S.
40. Toraason M, Albertini R, Bayard S, Bigbee W, Blair A, Boffetta P, Bonassi S, Chanock S, Christiani D, Eastmond D, Hanash S, Henry C, Kadlubar F, Mirer F, Nebert D, Rapport S, Rest K, Rothman N, Ruder A, Savage R, Schulte P, Siemiatycki J, **Shields PG**, Smith M, Tolbert P, Vermeulen R, Vineis P, Wacholder S, Ward E, Waters M, Weston A. Links Applying new biotechnologies to the study of occupational cancer - a workshop summary. Environ Health Perspect. 2004 Mar;112(4):413-6.
41. Rebbeck TR, Martinez ME, Sellers TA, Shields PG, Wild CP, Potter JD. Genetic variation and cancer: improving the environment for publication of association studies. Cancer Epidemiol Biomarkers Prev. 2004 Dec;13(12):1985-6.
42. Yuspa, S. and **Shields, P.G.** Principles of Carcinogenesis: Chemical. In DeVita, V. T., Hellman, S. and Rosenberg, S. A. (Eds): Cancer: Principles and Practice of Oncology, J. B. Lippincott Co., Philadelphia, PA. 6th Edition, 2005.
43. Sugimura H and Shields PG. Methods for genetic testing I: Assessing mutations in cancers. In Cancer Risk Assessment. Shields, PG, (Editor). Taylor and Francis Group, LLC. Boca Raton, Florida. 2005.
44. Shields PG: Cancer risk assessment II: Methods for determining cancer etiology: assessing risks in individuals. In Cancer Risk Assessment. Shields, PG, (Editor). Taylor and Francis Group, LLC. Boca Raton, Florida. 2005
45. Shields PG. Cancer risk for tobacco and alcohol use. In Cancer Risk Assessment. Shields, PG, (Editor). Taylor and Francis Group, LLC. Boca Raton, Florida. 2005
46. Dumitrescu RG, Shields PG. The etiology of alcohol-induced breast cancer. Alcohol. 2005 Apr;35(3):213-25
47. Shields, PG and Chen J. Smoking and Carcinogenesis. In Molecular Mechanisms of Tobacco-induced Diseases. Xing Li Wang and David A Scott (Editors). Nova Science Publishers, Inc. New York, 2005

#### Book Editor

1. Carcinogens in the Workplace. Clinics in Occupational and Environmental Medicine. Volume 2, Number 4, 2002. W.B. Saunders, Phila., PA
2. Cancer Risk Assessment. Shields, PG editor. Taylor and Francis Group, LLC. Boca Raton, Florida. 2005.

#### **Invited Presentations**



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1. N-Nitrosamine induced DNA damage detected by the <sup>32</sup>P-postlabeling assay. Laboratory of Human Carcinogenesis, NCI, Bethesda, MD, 1988.
2. Detection of polycyclic aromatic hydrocarbons-DNA adducts in human tissues. Laboratory of Human Carcinogenesis, NCI, Bethesda, MD, 1990.
3. CYP2D6 phenotyping, genotyping and lung cancer risk. Interlaboratory Seminar, Division of Cancer Etiology, NCI, Bethesda, MD, 1991.
4. Genetic predispositions to cancer. Conference on Integrating Cancer Prevention Practices in the 1990's. (Conference Chairman). George Washington University Medical Center, Washington, DC, 1991.
5. Genetic predisposition, formation of DNA adducts and human lung cancer risk. Aspen Cancer Conference, Aspen, CO, 1991.
6. Biological markers of risk for potential use in epidemiological studies of environmental ionizing radiation. Environmental Health Workshop, Sante Fe, NM, 1991.
7. Molecular epidemiology of lung cancer risk in Chinese women. Inhalation Toxicology Research Institute, Albuquerque, NM, 1991.
8. Pharmacokinetics: Detecting sensitive populations, pharmacokinetics in risk assessment. National Research Council, Irvine, CA 1992.
9. Molecular epidemiology of lung cancer. George Washington University Hospital, Washington, DC, 1992.
10. Environmental causes of cancer. George Washington University Hospital, Washington, DC, 1992.
11. Risk assessment of carcinogens in the workplace and environment--Inherited risk factors in cancer. American College of Occupational and Environmental Medicine. Washington, DC, 1992.
12. Molecular epidemiology and biomonitoring for chemical exposure. American College of Occupational and Environmental Medicine. Washington, DC, 1992.
13. Immunoaffinity chromatography and <sup>32</sup>P-postlabeling. International Meeting on Postlabeling Methods. Lyon, France, 1992.
14. Genetic predispositions to lung cancer. Department of Energy. Hyattsville, MD, 1992.
15. Inherited and acquired risk factors in lung cancer. Georgetown Univ. Hospital, Washington, DC, 1992.
16. Etiology of breast cancer--Tumor suppressor genes and oncogenes. American College of Radiology International Conference on Breast Cancer. Boston, MA, 1992.
17. Genetic predisposition and instability--Genetic alterations and cellular biology of bronchopulmonary tumors. Grenoble, France, 1993.

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18. Polycyclic aromatic hydrocarbons and genetic susceptibility to lung cancer. Buffalo, NY, 1993.
19. Inherited and acquired predispositions to lung cancer. Lyon, France, 1993.
20. Inherited and acquired predispositions to lung cancer. George Washington University Hospital. Washington, DC, 1994.
21. Biomarkers for cancer susceptibility. American Society of Preventative Oncology. Washington, DC, 1994.
22. Evaluating cancer risk. George Washington University Hospital. Washington, DC, 1994.
23. Genetic polymorphisms and increased cancer risk. 8th International Conference on Carcinogen and Risk Assessment. Austin, TX, 1994.
24. Genetic and environmental risk factors for lung cancer. Interlaboratory Seminar. Division of Cancer Etiology, NCI. Bethesda, MD, 1994.
25. Cancer prevention in 1994 (Course Director). Denver, CO, 1994.
26. Evaluating cancer risk. Metropolitan Washington College of Occupational and Environmental Medicine. Bethesda, MD, 1994.
27. Genetic susceptibility of lung cancer. President's Lung Cancer Panel. Bethesda, MD, 1994.
28. Cigarette smoking and breast cancer. Interagency Working Group on Breast Cancer, Bethesda, MD, 1995.
29. Molecular epidemiology of lung and breast cancer. Society of Toxicology, Baltimore, MD, 1995.
30. Genetic susceptibility to cancer. Minisymposium. Chairman of Session, American Association of Cancer Research, Toronto, Canada, 1995.
31. Molecular epidemiology of lung and breast cancer. Genetic Target of Toxication-Induced Damage: Gordon Conference, MA, 1995.
32. Molecular epidemiology and cancer risk. Department of Pharmacology. George Washington University Medical Center, 1995.
33. Molecular epidemiology and cancer risk. School of Public Health. George Washington University Medical Center, 1995.
34. Cigarette smoking and N-acetyltransferase genetic polymorphisms. National Cancer Institute Advisory Board. National Cancer Institute, Bethesda, MD, 1995.
35. Genotyping polymorphisms and smoking in defining breast cancer risks. 9th International Conference on Carcinogenesis and Risk Assessment, Austin, TX, 1995.

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36. Molecular epidemiology of breast cancer. Conference on Chemoprevention, Easton, MD, 1995.
37. Gene-environment interactions. University of Maryland Cancer Center, Baltimore, MD, 1995.
38. Molecular epidemiology. National Capital Occupational Medicine Association, Washington, DC, 1996.
39. NAT2 and breast cancer. Intralaboratory seminar. National Cancer Institute, Bethesda, MD, 1996.
40. Cancer susceptibility genes. Conference on cancer susceptibility. Keystone, CO, 1996.
41. Carcinogenesis. George Washington University School of Public Health, Washington, DC, 1996.
42. Molecular epidemiology. Congress on Causes of Cancer, Udine, Italy, 1996.
43. Molecular epidemiology of lung and breast cancer. Shanghai Cancer Institute, Shanghai, China, 1996.
44. Biomarkers of xenobiotic exposure. Canadian Society of Toxicology, Montreal, Canada, 1996.
45. Molecular epidemiology for risk assessment. Society for International Risk Assessment, New Orleans, LA, 1996.
46. Molecular epidemiology of lung and breast cancer. Georgetown University, Washington, DC, 1997.
47. Genetic susceptibility to cancer. Society of Toxicology, Cincinnati, OH, 1997.
48. Molecular epidemiology of tobacco smoking. Assessment of Cancer in the Human, Venice, Italy, 1997.
49. P450 and chemical metabolism. Biomarkers, the Genome and the Individual, Charleston, SC, 1997.
50. Tobacco, alcohol and cancer risk. MD Anderson Cancer Center. Houston, TX, 1997.
51. Molecular epidemiology of lung and breast cancer. Johns Hopkins University, Baltimore, MD 1997.
52. Molecular epidemiology. Howard University Medical Center, Washington, DC, 1997.
53. Gender differences in cancer. Healthy Women 2000 Conference, Washington, DC, 1997.
54. Round-table discussion for prostate cancer. Reston, VA, 1997.

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55. Round-table discussion for breast cancer. Baltimore, MD, 1997.
56. Gene-environment lifestyle interactions for breast cancer. Molecular Carcinogenesis and molecular epidemiology of cancer. Maui, Hawaii, 1998.
57. Molecular epidemiology overview. Environmental Mutagen Society, Anaheim, CA, 1998.
58. Molecular epidemiology overview. American Society of Preventive Oncology, Washington, DC, 1998.
59. Carcinogenesis and interindividual variation. American Society of Nutritional Sciences, San Francisco, CA, 1998.
60. Molecular genetics. 3rd International Congress on Cancer. Venice, Italy, 1998.
61. Case control and cohort studies. Clinical Implications of Molecular Epidemiology of Human Lung Cancer. Norwegian Cancer Society. Oslo, Norway, 1998.
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69. Molecular Epidemiology. Dartmouth Medical School. Hanover, NH, 1999.
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71. Molecular Epidemiology of Cancer Risk. Mayo Clinic, Rochester, MN, 2000.
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80. Symposium Speaker. American Society of Preventive Oncology. New York, NY 2001
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82. Genetics of Tobacco Addiction. AACR Educational Session. New Orleans, LA. 2001
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95. Molecular Epidemiology. National Cancer Institute Program for Cancer Prevention Fellows. Bethesda, MD 2002.
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97. Molecular Epidemiology of Breast Cancer. Roswell Park Cancer Institute. Buffalo, NY 2002
98. Genotype and Phenotype Relationships for Breast Cancer Risk. Molecular and Genetic Epidemiology. Hawaii, 2003
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101. Cigarette Use, Addiction and Harm. University of the District of Columbia. Washington, DC 2003
102. Peer-Review Publishing. American Society of Preventive Oncology Annual Meeting. Philadelphia, PA 2003
103. Discussant. Linking Haplotypes and Genetic Variation With Cancer Risk Assessment, Prevention, Detection and Treatment Workshop. Bethesda, MD 2003
104. Tobacco Smoking and Products That Kill When Used As Intended. Georgetown University Department of Medicine Grand Rounds, Washington, DC 2003
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107. Discussant. Methods and Biomarkers to Assess Reductions in Tobacco Toxin Exposure. Washington DC 2004
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110. Molecular Epidemiology of Cancer Risk. Memorial Sloan-Kettering. New York, New York 2004
111. Biomarkers and Breast Cancer Risk. Alcohol and Alcoholism Workshop, NIAAA. Bethesda Maryland 2004
112. Genetics of Smoking Addiction. Georgetown University School of Nursing and Health Sciences. Washington, DC 2004
113. Tobacco Use and Harm. AACR Special Conference on Lung Cancer. San Diego, CA 2005
114. Molecular Epidemiology of Breast Cancer. Howard University. Washington, DC 2005
115. Biomarkers of carcinogen uptake and activation. American Chemical Society. Washington, DC 2005
116. Harm Reduction and New Tobacco Company Products. Multidisciplinary Lung Conference. Georgetown University Medical Center. Washington, DC 2005
117. Molecular Epidemiology of Lung Cancer. Laboratory of Human Carcinogenesis. National Cancer Institute. Bethesda, MD. 2005
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119. Genetics of Smoking Addiction and Harm. U.S. Japan Cooperative Cancer Research Program. Molecular Epidemiological Characteristics of Lung and Colon Cancer Development Among Atomic Bomb Survivors. Bethesda, MD. 2006.
120. Molecular Epidemiology of Breast Cancer. International Symposia of Human Carcinogenesis. National Institutes of Health. Bethesda MD. 2006
121. Choosing Haplotypes, SNPs or Phenotypes to Study. Methods Workshop: Haplotyping Methodology, What's Nuts and Bolts. American Association For Cancer Research. Washington, DC 2006.

# **EXHIBIT 2**

***Peter G. Shields, MD***  
***1145 Millcreek Lane***  
***Columbus, Ohio 43220***

February 28, 2014

Heather Forgey, Esq.  
Jones, Carr, & McGoldrick  
Premier Place  
5910 N. Central Expressway, Suite 1700  
Dallas, TX 75206

re: Campos v Safety-Kleen

Dear Ms. Forgey:

This report will summarize my opinions for the above cited case as it relates to Mr. Gerardo Campos' development of chronic myelogenous leukemia (CML) and his workplace with use of a Safety-Kleen parts washer with Safety-Kleen 105 solvent. He worked as a precision tool repairman. I have reviewed several types of documents for this case, which are listed below, including legal documents, medical records, material safety data sheets, internal Safety-Kleen documents, monitoring reports and expert reports. At the end of this report is a list of references cited herein, which are not necessarily all inclusive, but are extensive and representative of the studies and publications that support my opinions. The opinions expressed herein are my own, and were not developed in relationship to my Ohio State University service. If additional materials are provided to me after the submission of this report, then my opinions may be supplemented or changed.

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## QUALIFICATIONS

As my *Curriculum Vitae* will provide in more detail, I am currently a tenured Professor in the Departments of Internal Medicine in the College of Medicine and the Department of Epidemiology at the College of Public Health at The Ohio State University. I also am an adjunct Professor at Georgetown University, adjunct Professor in the Department of Pediatrics and Child Health at the Howard University School of Medicine, and an adjunct Professor in the Department of Biological Sciences and Environmental Health at the University of the District of Columbia. At The Ohio State University, I am the Deputy Director of the OSU Comprehensive Cancer Center, having assumed this position as of September 1, 2011. Prior to that, for 11 years I worked at Georgetown University, where I was the Deputy Director of the Lombardi Comprehensive Cancer Center. Other positions that I have held in the past several years at Georgetown include Interim-Chair of the Department of Medicine, Chief of the Division of Cancer Genetics and Epidemiology in the Department of Oncology, Vice-Chair of the Department of Oncology and Associate Director for Cancer Control and Population Sciences. As such, I have been responsible for directing a multidisciplinary and transdisciplinary research program that focuses on identifying the environmental and genetic causes of cancer using epidemiology and biomarkers. Through all these activities, I am responsible for mentoring many junior and senior faculty, postdoctoral fellows, PhD, medical students, interns, residents, master's graduate students, and undergraduate students. My teaching responsibilities include, or have included, leading the academic mission of the Department of Medicine at Georgetown University, giving lectures and serving as a course director in the areas of cancer risk and epidemiology. Prior to my position at the Lombardi Comprehensive Cancer Center, I was a tenured investigator and Chief of the Molecular Epidemiology Section of the Laboratory of Human Carcinogenesis at the National Cancer Institute.

My *Curriculum Vitae* shows that I have published more than 200 papers in scientific journals, many in high-impact journals, and I serve, or have served, on the editorial boards of important journals such as *Carcinogenesis*; *Molecular Carcinogenesis*; *Journal of Cancer Epidemiology*; and, *Cancer, Epidemiology, Biomarkers and Prevention*. As evidence of the respect from my peers, I have been elected as President of the American Society of Preventive Oncology and have just completed that service, and was the first elected chair to lead the Molecular Epidemiology Group of the American Association of Cancer Research. Recently, I was elected as a Fellow of the American College of Epidemiology. Over the years, I have been the Program Chair or member of numerous program committees for national and international scientific meetings. Regularly, I am an invited speaker at national and international meetings, and at universities around the world. I also sit on various committees and panels that provide research opinions, identify funding priorities or review other investigators' research proposals about the causes of cancer. For example, I have served on the National Institutes of Health Study Section that reviews Comprehensive Centers (Subcommittee B), the NCI Clinical Trials Advisory Committee, and was a standing member of the Epidemiology and Disease Control 2 NIH study section. In the past, I have served on the National Cancer Institute's (NCI) Tobacco Research Implementation Group, NCI Lung Cancer Progress Review Group, and also on the Institute of Medicine Committee on Tobacco Harm Reduction.

Throughout my career, I have conducted research into the chemical and genetic causes of

cancer, as well as the development of tests for cancer risk and early detection of cancer. And in doing so, I regularly conduct epidemiological studies. Relevant to the case addressed here, I am an expert in the development of cancer and have published widely in this area, and have served on numerous committees that have considered this particular area of science. My publications, which include those that relate directly to some of the chemicals at issue here, have appeared in highly respected peer-reviewed journals (including those that focus on the occupational and environmental setting). Also relevant to this evaluation is that my work is considered toxicological in nature, because of the consideration of how carcinogens or cancer therapies affect the body, I frequently use laboratory methods (including animal studies), and I have published toxicology studies.

Lastly, I remain clinically active by caring for oncology patients. My clinical expertise has been recognized as I have been twice appointed to the District of Columbia Board of Medicine, which is a board that sets medical practice guidelines, grants licenses and disciplines physicians. And I have been provided awards for my work with charity patients, and have been cited as a Castle Connolly's Top Doctor for Cancer in multiple years, as recently as 2014. Thus, I consider myself an expert in cancer risk, cancer causation, carcinogenesis, epidemiology, and hematology/oncology.

## DOCUMENTS REVIEWED

### Legal Documents

- Declaration of Gerardo Campos (11/16/13)
- Defendant Safety-Kleen Systems, Inc.'s Objections and Responses to Plaintiffs' First Request To Produce (12/23/13)
- Defendant Safety-Kleen Systems, Inc.'s Objections and Answers to Plaintiffs' First Set of Interrogatories (12/23/13)
- Plaintiffs' Disclosure of Expert Witnesses
- Complaint (6/29/12)
- Amended Complaint (11/2/12)
- Answers to Amended Complaint - Makita (1/15/13)
- Defendant Safety-Kleen Systems, Inc.'s Answer and Defenses to Plaintiffs' Complaint (10/2/12)
- Defendant Safety-Kleen Systems, Inc.'s First Amended Answer and Defenses to Plaintiffs' Amended Complaint (12/20/12)
- Notice of Serving Plaintiff Camilla Campos' Answers to Defendant Makita's Interrogatories (7/24/13)
- Notice of Serving Plaintiff Gerardo Campos' Response to Defendant Makita's Request for Production (12/9/13)
- Notice of Serving Plaintiff Gerardo Campos' Response to Defendant Makita's Request Interrogatories (7/24/13)
- Rule 26 Initial Disclosure (11/19/13)
- Notice of Serving Plaintiff Yadira D. Veguilla Rosario's Response to Defendant Makita's Request Interrogatories (8/30/13)
- Deposition of Gerardo Campos (12/18/13)
- Deposition of Carmen B Campos Diaz (12/19/13)



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- Deposition of Nydia Rosario-Colon (12/19/13)
- Deposition of Yadira VeguillaRosario (12/19/13)

#### Medical and other Documents

- Jose Comancho, MD
- Jose Carlo, MD
- Luis Ramos, MD
- Maria Garcia, MD
- Hato Rey, MD
- University of Puerto Rico
- Various documents produced by Makita
- Safety-Kleen Production Bates SKS\_CAMP000001-000312

#### Expert Reports

- Su-Jung Tsai (12/10/13)
- Arthur Frank (12/13/13)
- David Goldsmith (12/13/13)
- Melvin Kopstein (12/13/13)

## **ALLEGATIONS**

The complaint states that Mr. Campo worked from 1993 to 2010 with Safety-Kleen 105. (His declaration stated 1995 to 2010, and Makita records indicate a start date of December 4, 1995.) The complaint stated “Safety-Kleen 105 Solvent is contaminated with multiple carcinogenic chemicals, including benzene, perchloroethylene, trichloroethylene, methylene chloride, chlorinated benzenes, and polycyclic aromatic hydrocarbons.” It then stated that as a result of the exposure, Mr. Campos developed chronic myelogenous leukemia. Expert reports for the plaintiff have focused mostly on a putative benzene exposure.

## **SCOPE OF OPINIONS AND BASIS FOR THEM**

I have been asked to evaluate the medical history of Mr. Campos and provide an opinion regarding his diagnosis of CML. Also, I have been asked to provide opinions generally regarding risks for CML, and epidemiology related to work that would include exposure to mineral spirits and benzene. I have been asked if the alleged exposures could be considered to have caused or contributed to Mr. Campos’ CML. I also have been asked to provide a description for the methods to assess general and individual causation of cancer, and to evaluate the methodologies, factual basis for the opinions and the conclusions of plaintiff’s expert’s reports. I have reviewed Mr. Campos’ medical records, which forms the basis for my understanding of what his medical condition was, and his alleged and real risk factors for CML. My opinions are formulated based upon my general scientific and medical knowledge, my comprehensive literature review, my research and my clinical practice as a hematologist and oncologist. I rely upon a number of sources including general knowledge, textbooks, reports of

regulatory and review agencies, and peer-reviewed scientific studies. I have performed computerized literature searches through the National Library of Medicine (PubMed) that included search terms such as leukemia, cancer, benzene, mineral spirits, gasoline, printers, mechanics, gas station, and others. These types of activities are not very different from my regular day-to-day activities as a clinician, researcher and educator. For example, my research involves the study of cancer risk and I regularly have to interpret data and communicate such in scientific journals and to the lay public. Another example is that I frequently give lectures to the public and physicians about the causes of cancer, how to screen for it and how to prevent it.

Related to the above and my expertise, I can offer opinions about toxicology, carcinogenesis (including the development of CML), epidemiology, cancer risk and general causation. As a trained clinician, I also will offer opinions about Mr. Campos' CML and his risk factors for these, and well as a specific causation opinion.

## **MEDICAL RECORD REVIEW**

Mr. Gerardo Campos was born on May 28, 1967. He was diagnosed with CML in November, 2011 at the age of 44. Mr. Campos has a history of Charcot Marie Tooth.

The Charcot Marie Tooth disorder originally became symptomatic around the age of 14 with weakness of the lower extremities. In 1997, he had a bilateral foot drop, and was given devices to assist him. Three cousins on his mother's side also had the disease. In 2002, it was reported that his neurological problems were worse with increased difficulty playing guitar, although his lower extremity weakness was stable. In 2005 it was stated that he was currently disabled due to his neurological disorder. Mr. Campos had nerve conduction testing on February 2, 2012, which was consistent with a demyelinating hereditary neuropathy. It was reported that he had a history of dengue fever.

Medical records indicate that Mr. Campos was treated with Wellbutrin in 2002 and 2004. He was diagnosed with recurrent depression in 2008. In 2012, Mr. Campos was seen by a psychiatrist who diagnosed an adjustment disorder.

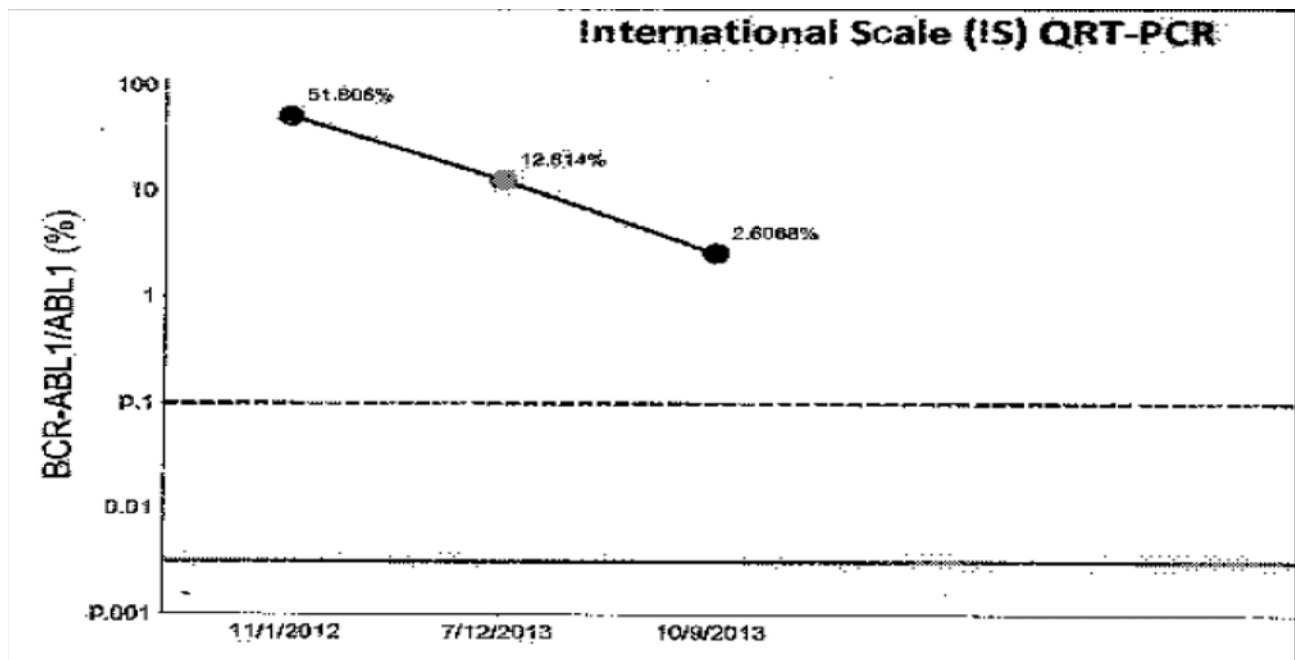
Mr. Campos presented for a pre-op evaluation to have papilloma removed from the groin area. He was found incidentally with a high WBC. The WBC was 76.8, platelets were 562 and the HCT was 40.8. The AST was 23 and the ALT was 71. There were promyelocytes, myelocytes and metamyelocytes observed, but no blasts. He had palpable splenomegaly. On November 8, 2011, a bone marrow was done. It was reported to have very active platelet production, be markedly hypercellular, have increased markedly megakaryocytes, dysmegakaryopoiesis, increased micromegakaryocytes, decreased erythroid series relative to the granulocytes, and a shift to the left for granulocytes with occasional blasts. It was stated that the marrow was reactive compatible with a myeloproliferative disorder. The karyotype was 46, XY t(9:22)(q34;q11.2), which was confirmed by FISH. BCR/ABL PCR was 100%. The peripheral smear had normal morphology but a shift to the left with marked leukocytosis. On November 15, 2011 it was stated he was on hydrea but was being changed to Gleevec. His WBC was 56k, platelets 543k and the HCT was 38%.

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On March 12, 2012, Mr. Campos was on Gleevec. His WBC was 6.89, HCT was 44.6% and the platelets were 192k. Although around that time he had Gleevec held due to cytopenias.

On August 15, 2012, it was stated he had pancytopenia secondary to Gleevec, so he was changed to dasatinib. His BCR/ABL increased from 21% to 70%. He was originally started on dasatinib 100/day, but had to be decreased to 50 every other day. He remained asymptomatic according to the records. On December 12, 2012, his WBC was 3.8 and the platelets were 86k. He was again reported to be asymptomatic. The On January 16, 2013, a bone marrow was done. The report said that blasts were not identified, and that the marrow was consistent with a complete remission. The peripheral smear was reported with normal morphology. Results were similar to before, except the BCR/ABL was up to 100%.

It was stated on June 10, 2013, Mr. Campos was feeling well. On July 10, 2013, the BCR/ABL was 12%. On October 9, 2013, the WBC was 2.9, Hgb was 13.1 and the platelets were 82k. BCR/ABL was 2%. Below is a graph of his trend.



At deposition, Mr. Campos said his CML caused him to have stomach pain from inflammation of the spleen, back pain, and extreme fatigue. The symptoms reportedly started about 6 months before his diagnosis. He also said he gets a flu every month due to the chemotherapy. He reported he never had radiation and no family history of blood disorders.

Mr. Campos' wife, in interrogatories, stated: "As a result of my husband diagnosis has

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been absent due to his sickness. Most of his time he is at doctors' appointments or at rest because of the disease. This means that because of his disease he misses time with me and missed special events of our family and our daughter Camila, who has only 1 year old when he was diagnosed with the disease. Also, I miss time from work consequently, not only to be with my husband at his medical appointments but also, because of my mental health. Also my relationship with my husband has changed since his diagnosis, we are constantly worrying and we lack of sexual activity." In 2004, a discrimination complaint authored by Mr. Campos stated that he was suffering from insomnia, sexual dysfunction and eating disorders. Mr. Campos' wife corroborated her statement at deposition.

**Family History:** No blood diseases. Mother with breast cancer. Two aunts with breast cancer. Cousin with breast cancer. Cousin with liver cancer. Father with skin cancer.

#### Smoking

2008 - Marijuana use

2011 - quit 1 year earlier; 15 pack years

At deposition, Mr. Campos testified that he smoked beginning at age 18 and quit in 2011, with some gaps in smoking. He also testified he smoked marijuana since the age of 17, sometimes daily.

#### Alcohol

2011 - occasional beer

#### BMI

5'8"

1997 - 144 pounds

2005 - 148 pounds

2012 - 152 pounds

2013 - 160 pounds

**Occupational History:** Mr. Campos' declaration stated that he worked with Safety-Kleen Solvent 105 from 1995 - 2010 while employed at Makita USA (1995-2004), National Rental Sales (2006-2010) and Tool Box (2010-2011). Makita records indicated a start date of December 4, 1995, and that he was a factory service manager and then became a power tool technician. He stated that the solvent would splash on his clothes and face. He wore rubber gloves. He reported that about 2 times a month he would repair gasoline-powered equipment. At deposition, Mr. Campos stated he used the parts washer about 10 times per day, between 12-20 minutes each time. He stated that sometimes he would wear gloves provided by Safety-Kleen depending on how long he would need to wash the part. Also, he said that sometimes he would clean his hands with the solvent. At the other workplaces, he used the parts washer similarly or less.

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Prior to the above, the reported work history is 1992-1994 Astro Industrial Supply that made cables for towing ships -warehouse employee and power tools technician and 1995 Ferreteria Abraham that was an industrial hardware store - power tools technician. At deposition, Mr. Campos also said he worked at a clothing store and an electrical equipment store. He denied chemical exposures for all of these jobs.

## DISCUSSION

Mr. Campos has CML, which is a type of chronic leukemia. He presented incidentally with typical findings, namely an elevated white blood cell count, and without symptoms. The molecular and cytogenetic work-up confirmed the diagnosis of CML. Mr. Campos has a 9,22 translocation, which is diagnostic for CML. Mr. Campos received the diagnosis of the CML from his treating physicians, and I concur with this diagnosis, although I have not reviewed the actual pathology slides.

Leukemias are one type of many hematological malignancies. All of these are clonal disorders that are composed of a single and specific cell type. As with other types of cancers, the cells of these clonal stem cell disorders fail to differentiate and reproduce uncontrollably, crowding out space for normal bone marrow elements. Actually, leukemias also are a heterogeneous group of blood cell malignancies. They are classified as acute or chronic, and originate from either myeloid or lymphoid lineages. The diagnosis of leukemia is made by examining the bone marrow with a microscope, flow cytometry, immunohistochemistry and chromosomal analysis. Among the reasons why it is important to identify the type of leukemia is that the etiology, biology, treatment and prognosis can be very different.

CML is an uncommon disorder, accounting for about 5,920 new cases in the US in 2013 [1]. This is among a total of 48,610 new cases of all leukemia and about a third as common as AML with about 14,590 cases per year. The annual incidence of CML is 1.6 cases per 100,000 adults.

CML is classified as a myeloproliferative disorder, but is very different from other myeloproliferative disorders because of its Philadelphia chromosome positivity [2-5]. All of these also have very different clinical histories and treatments, although there may be some overlap as one develops overtime. The hallmark of CML is the finding of the Philadelphia chromosome, which is a translocation of the *BCR-ABL* genes on chromosomes 9 and 22. Although CML is manifested primarily as an abnormality in the white cell lines, the chromosome abnormality is seen in all cell lines. The laboratory findings are a leukocytosis in the blood, with an increased number of neutrophil precursors, but not blasts. There is no significant dysplasia, distinguishing it from myelodysplastic syndromes. Also seen in the blood is an increase of basophils, and sometimes eosinophils. The platelet count may be elevated, but not depressed, also distinguishing it from MDS and AML. In the bone marrow, the hyperplasia of the white blood cell line is seen, without an increase in blasts unless the patient is in the later

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stages of CML. There can be megakaryocytic proliferation and the megakaryocytes are small and hypolobulated.

CML clinically has three phases, namely the chronic phase, the accelerated phase and the blast phase [6]. Mr. Campos is currently in the chronic phase. Patients frequently present in the chronic phase (about 40%), without symptoms, and the disease is detected by a routine blood test [7]. Eventually, patients may complain of weakness, weight loss and discomfort due to a large spleen. The accelerated and blast phases are now uncommon due to recent therapies. The criteria for blast phase include a blast count in the bone marrow greater than 20%, depending on the criteria [6]. Evolution is usually accompanied by additional genetic abnormalities, such as an extra Philadelphia chromosome, +8, +19 or i(17q).

The Philadelphia chromosome is a reciprocal translocation from chromosome 9 to chromosome 22 that involves the *ABL1* gene on chromosome 9 and the *BCR* (break point cluster) gene on chromosome 22 [5;7]. This is termed the *BCR-ABL* translocation. The resultant gene fusion makes a protein that has tyrosine kinase activity. This protein leads to deregulated cellular proliferation, cells that are less able to adhere to the bone marrow and decreased program cell death in response to mutagens. Targeting the tyrosine kinase activity, the so-called tyrosine kinase inhibitors (TKI) is what has made the remarkable treatments available for this disease. In the past, there was an entity of Philadelphia chromosome-negative CML, but these were based on cytogenetics and molecular phenotyping now either show a cryptic translocation or the disease is not CML. The site of where the breakpoint is may influence the clinical course of CML. The breakpoint regions can also distinguish CML from CMML and ALL, which also can have the Philadelphia chromosome.

The postulated cell of origin is unclear, and while it is likely that the abnormalities start in a hematopoietic stem cell, the phenotype of the disease is thought to happen in more committed precursors of the granulocytic-macrophage progenitor pool [6].

Sometimes, other cytogenetic abnormalities are seen in CML, such as trisomy 8, isochromosome 17 and a duplicate Philadelphia chromosome [6], but these are not the type associated with leukemias thought to be caused by chemotherapy or benzene [5]. Specifically, chromosome 7 deletion occurs in less than 5% of CML cases and chromosome 5 deletions rare [8]. A search for reported cases in the National Cancer Institute CGAP database shows that there are only 27 cases are found in that database for -5 deletions and 112 cases for -7 deletions (<http://cgap.nci.nih.gov/Chromosomes/Mitelman>). (It is common that as CML progresses to blast phase and chromosome 7 deletions can be observed there, but -5 are still uncommon [9].)

There are several highly successful treatments for CML. Without treatment, patients with chronic phase CML will progress to the other phases in 3 - 5 years [7]. The risk for transformation was about 3- 4% per year, without modern treatments [10]. CML in blast phase is highly refractory to chemotherapy and so is rapidly fatal. While there have been earlier proposed prognostic factors for CML, such as those proposed by Sokol [7;10], these are no



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longer clearly valid since the development of Gleevec. Currently, the adverse prognostic factors for patients include age greater than 60, hemoglobin less than 10, the presence of any blasts in the blood and basophils >5% in the marrow [11]. The latest treatment for CML takes advantage of the molecular changes caused by the *BCR-ABL* translocation and its tyrosine kinase activity [5;7]. The first, and still most commonly used drug is Gleevec (imatinib mesylate) [12;13]. It almost always leads to a complete cytogenetic response, about 70-96% of the time, where Philadelphia chromosome positive cells are no longer detected. The common side effects of Gleevec include nausea, diarrhea, fluid retention (including periorbital edema), bone pain and muscle cramping. Elevation in liver enzymes and dermatologic reactions are less common. There are two other drugs now available that are considered also good first line treatments, which are nilotinib and dasatinib [12;14;15]. All three are relatively equivalent and are considered back-ups for each other. The choice of drug depends on the patient and the side-effect profile [13;16]. Mr. Campos had blood count issues with the imatinib and so was switched to dasatinib, without loss of efficacy.

The success of therapy is monitored by quantitative PCR for the *BCR-ABL* fusion, and the best responses are those for persons with a 3 log decrease in transcript over 12 months [17]. Conversely, increasing levels are considered relapse [18]. Also, bone marrows are done to determine cytogenetic responses. Patients are monitored for response at 2, 6, 12 and 18 months, resulting in dose changes or drug changes, as appropriate. By 12 months, there should be a complete cytogenetic response. The transcript level should decrease to below 10% or have better than a partial cytogenetic response. A complete cytogenetic response is defined as no PH-positive metaphases on a bone marrow, while partial is 1-35%; a major response is either complete or partial response, while a minor response is <100% but greater than 35% [13]. For molecular responses, a complete response is no detectable transcripts by QPCR, and a major molecular response is <0.1% or >3-log reduction. For patients failing therapy, mutation analysis is recommended to help direct therapy, e.g., specific tyrosine kinase inhibitors [13;16]

The survival estimate is 96% at 3 years and 82% at 4 years [17;19]. Now, with longer studies, 97% of patients are alive 5-8 years after therapy [13], and 67% at 10 years [11].

If a complete cytogenetic response is not achieved, then a stem cell transplantation is considered [13;20]. The only curative treatment for CML is stem cell or bone marrow transplantation [17]. But, it has been recently projected that long term survival for Gleevec is better than bone marrow or stem cell transplantation generally, which was previously the best long term option for CML [21]. Transplantation from siblings yields a 60% five year survival, and about 50% for unrelated donors. This would now be used for persons who become refractory to Gleevec and clinical trials are exhausted for newer drugs. It also is used for blast phase, and in some persons in accelerated phase who also are refractory to non-transplant treatments.

CML is more common in men than in women, and the median age at diagnosis is 65

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years old [7]. It also is more common in African Americans than in Whites.

The causes of CML is essentially unknown, although there are some associations with radiation [6;22]. For example, increase risk has been reported for atomic bomb survivors, radiologists and in persons treated with radiation therapy [7;23-26]. Being overweight may also be a risk factor for CML [27]. Familial patterns for CML do not seem to exist [28].

It is not appropriate to extrapolate risks for all leukemias to any specific leukemia. The cause of CML is likely different than for acute myelogenous leukemia (AML), and appears to be chemically-resistant as an etiology [29]. For example, while cigarette smoking is a known cause of AML, there is only some evidence for increased risk for CML from cigarette smoking [30-32], but other studies are null [27;33]. In contrast, there are many studies about AML, with reported risks are about 1.5-2.0-fold [32;34-41], and a dose-response effect has been reported [27;32;36;40;42;43]. The cytogenetic abnormalities in AML related to smoking are not the type commonly observed in CML, and are not the causative abnormalities[34]. Generally, smoking is not considered a cause of CML. As another example, secondary leukemias following chemotherapy present as AML, not CML. Secondary leukemias occur following some chemotherapy or radiotherapy treatments, such as for Hodgkins lymphoma and breast cancer [44-47]. The secondary leukemias from chemotherapy often are accompanied by abnormal cytogenetics [44;48;49], which are not found in CML [29]. It also is important to note that CML is not considered a leukemia secondary to chemotherapy, and that 9,22 translocations are rare [45;50]. For example, it has been reported that the 9,22 translocation occurs in cases of secondary leukemia from topoisomerase II inhibitors, but this is uncommon [50;51]. There is essentially about 25 cases in the world's literature [50;52]. Because it is uncommon, it is unclear if these really are secondary leukemias, or a *de novo* CML. Generally, for AML versus CML, I am not aware of scientific studies that indicate that either the chromosome -5 or -7 abnormalities are common in CML (see above). Conversely, the 9,22 translocation characteristic for CML is rarely seen in cases of AML, occurring in less than 1% of adult AML [53-55], and these may be persons with previously undetected CML. (The 9,22 translocation is sometimes seen in acute lymphocytic leukemia [55].) Last, CML does not have features of dysplasia, distinguishing it from myelodysplastic syndromes and AML.

Acute leukemia secondary to benzene has been considered to follow a similar mechanism as other secondary leukemias from alkylating agents, because the same chromosomal abnormalities can be found (although not in all studies) [56;57], and so is sometimes more broadly referred to as a secondary leukemia [44;45;58]. The 9,22 Philadelphia chromosome was not reported in these studies. I am aware of one study that reported several cases with the Philadelphia chromosome, but these were mostly in people with prior CML, and there was no relationship with benzene exposure [56].

***Charcot-Marie-Tooth (CMT) Syndrome:*** This is a hereditary disorder of the nervous system, affecting both motor function and sensation [59-61]. The estimated prevalence is about 1 in

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2500 people, and is the most common inherited neurological condition. There are actually more than 50 types of CMT, affecting the myelin sheath or the axon, or both. Mutations in more than 29 genes have been identified; mutations in *PMP22*, *GJB1*, *MPZ*, and *MFN2* cause more than 90% of the disease. The pattern is usually autosomal dominant, but autosomal recessive forms also exist. This is a disease that affects peripheral nerves that result in distal muscle atrophy in the legs, decreased reflexes, foot deformities and gait problems. Hands also are involved as the disease progresses. Symptoms start in the first or second decade of life, and are progressive over life. About 20% of patients can have neuropathic pain.

## METHODOLOGICAL APPROACHES TO GENERAL CAUSATION AND INDIVIDUAL RISK ASSESSMENT

There are well-established practices for considering if a chemical can cause cancer such as CML. Typical of other physicians and scientists, my initial approach before considering the individual's situation and alleged exposures is to assess if there is a relationship of the alleged exposure to the identified cancer at any level of exposure. This is done by reviewing scientific textbooks and articles, doing computerized literature searches and drawing upon my experience as a researcher, clinician and epidemiologist. The method for the determination of cancer causality is described below. It is important to assess different types of scientific data, relying on the best studies, and even though a researcher might postulate causality (e.g., as might be done through a publication of a case report, an ecological study or a case series), this is different from concluding a causal relationship of exposure to an outcome. Among the types of data that should be evaluated, human epidemiological data is substantially more reliable than laboratory *in vitro* and experimental animal data, assuming the epidemiological and other human studies are of good quality. If there is sufficient epidemiological data to make a conclusion, then experimental animal or other studies are sometimes considered only in the context of understanding biological mechanisms. If there is sufficient reason to consider that the chemical has a potential to cause the type of cancer identified for the individual or a group of individuals (target organ specificity is important), then an individual risk assessment is made to determine the doses reported in the literature that may be associated with an increased cancer risk, and in what settings. The dose, i.e., how much of a carcinogen enters the body, and then reaches the critical organs and targets within the organ, best determines an individual's cancer risk, as carcinogens clearly have a dose-response relationship.

The distinction between dose and exposure must be noted and is important. An individual might be in a room that has a chemical in the air or come into skin contact with a workplace solvent, and so has a potential exposure, but this does not necessarily translate into dose, which is the amount of the agent that enters the body. Thus, one must consider that exposure may not be a sufficient marker for dose. Importantly, there is some level below which we can no

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longer measure an increased risk, and so any conclusions of cancer causation for exposures below that level are speculative, unsupported, and at best only hypothetical. (Herein, the concept of increased risk is accompanied by the conventional use of statistics and findings of statistical significance.)

The evaluation of cancer causation, i.e., can an exposure cause cancer, requires examination of different types of data and studies. Published guidelines exist for assessing causality, such as those proposed by Sir Austin Bradford-Hill [62]. These guidelines, others [63-67], and my experience allow me to conceptually develop an opinion about causation. Actually, similar principles espoused by Sir Bradford-Hill were well-applied first in the first Surgeon General's Report on smoking and health, concluding in 1964 that smoking caused lung cancer in men, and distinctions between the original Report and the recent 2014 Report are noted in the latter [67;68]. It has been argued that the Bradford-Hill criteria may be difficult to apply or have limitations [63;69], but there is an appeal for having the best possible framework to guide research agendas and study design [64;65]. Some believe that stating the statistics is sufficient to communicate causality, while not considering the level of risk, or reporting such, is not informative [66]. In some ways, the different models reflect a purely scientific perspective, while others are derived to satisfy public health needs. However, the Bradford-Hill methodology remains the most appropriate and useful for assessing general causation. It also remains the citation and methodology for the International Agency for Research on Cancer (<http://monographs.iarc.fr/ENG/Preamble/index.php>). As an example for applying a causation analysis, I provide a summary of smoking and lung cancer below.

Table 1 provides the Bradford-Hill criteria. While we remain true to the original writings of Bradford-Hill in many ways, there is a better understanding of how to apply the criteria after 50 years of research, and the following discussion includes several important concepts. As Bradford-Hill wrote, not all criteria are required, but today, we understand that when there is data available for any criteria, then that data cannot be ignored and some criteria are required to be fulfilled when data exists; there are some criteria that if violated would exclude the likelihood of causation, while fulfilling some may not lead to a definitive conclusion of causation without considering other criteria. Among the most important criteria is consistency in the literature, that is, do several well-designed and well-conducted epidemiology studies lead to similar findings in different populations, using different study designs. If there are more than one study available, then consistency must be met, and relying on only one or two studies among many without sufficient justification makes for at best weak support or no support for causality. It should be noted that no single epidemiological study is definitive, and the consideration of a scientific

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report is performed in the context of other published studies. A determination of a biological gradient also is important, i.e., do scientific publications show a dose-response relationship, and do those doses occur in the human exposure circumstance of interest. Again, if dose-response relationships have been evaluated and must exist if so, otherwise the criteria is violated and biological plausibility also is lacking. The lack of studying a dose-response relationship, per Bradford-Hill is not required, but without it, then a causality opinion is weakly supported. Another criterion is the strength of association, which allows one to consider if the reported association in an epidemiological study is plausible (e.g., not too high or too low). Originally, Bradford-Hill, following a smoking and lung cancer causation model, considered that the higher the risk estimates, the more likely an association can occur. Now, after 50 years of epidemiological research, we understand that for some exposures and tumor types a high risk estimate is likely not true, for example in the case of a common exposure and a less common cancer as would be the case with low level benzene exposure and acute myeloid leukemia and other hematological malignancies including CML. An evaluation of temporality considers if the exposure sufficiently preceded the cancer effect to allow for latency. Specificity considers if the cancer has other reported causes and if the effect occurs in the identified target organ. Given that lung cancer was a rare disease before smoking, lung cancer and tobacco smoking is an example of specificity. Coherence refers to an evaluation and agreement of different types of scientific data (epidemiological, laboratory animal studies, cell culture models, etc.), and do they provide similar findings that lead to a mechanistic understanding of how the chemical would cause cancer in humans. Human intervention, according to Bradford-Hill are given great weight given that these are experimental situations. Such data might occur, for example, from a medical trial. Analogy looks to see if similar chemicals are known to behave similarly and what is the available scientific data for those chemicals. As an example of consistency within the epidemiological literature, tobacco smoking and lung cancer is used as an example below. In this example, in virtually every study ever done on tobacco smokers, an increased lung cancer

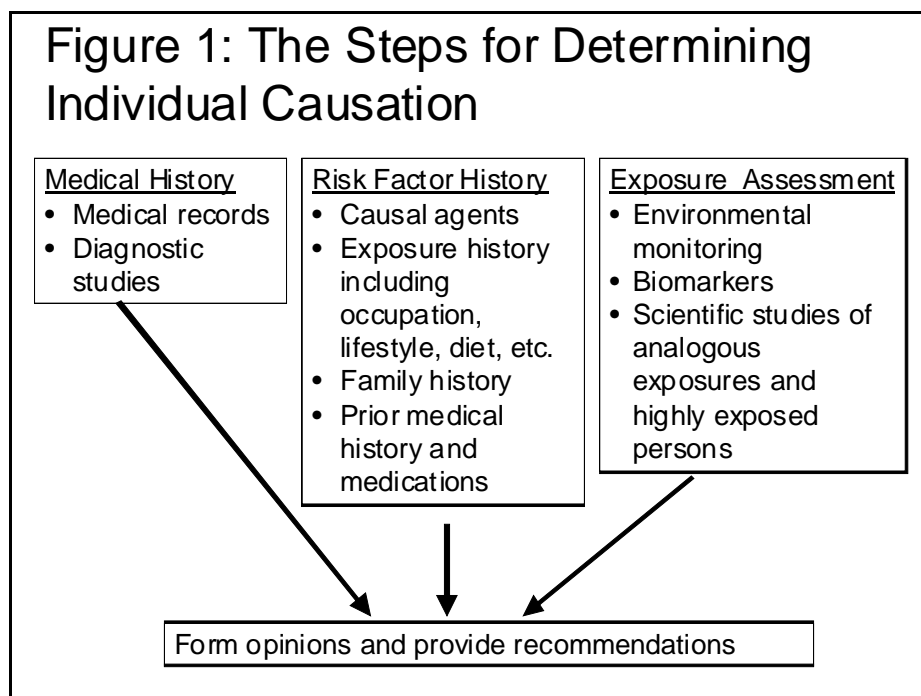
**Table 1: Bradford-Hill Criteria for General Causation**

- Consistency among epidemiology studies (how many good quality studies say the same thing?)
- Dose-response (does more exposure cause more disease?)
- Timing of exposure (does the cancer come after the exposure and a believable period of time?)
- Strength of Association (are results believable?)
- Specificity (is the disease unique?)
- Biologically plausible (does it make sense?)
- Coherence (is it contradictory to laboratory data?)
- Human interventions (are there reliable clinical studies to consider?)
- Analogous similarities to other toxins

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rate or risk is seen. In summary, there is a general consensus for methodologies to consider what causes cancer. I generally follow the criteria set forth about 50 years ago by Sir Austin Bradford-Hill [62]. Some criteria are absolutely required (e.g., consistency and not violating dose-response). Violating some of the principals will preclude the ability to support a causal relationship (e.g., temporality).

Assuming that there is sufficient reason to believe that there is some exposure/dose that might increase cancer risk because of available scientific data, i.e., after evaluating the above criteria, then the degree and circumstances of the exposure from the literature are assessed in relation to the increased risk of the particular cancer found in a worker or group of workers. The individual risk assessment then places this into the context of potential, claimed, and/or documented exposures in an individual or group of individuals. The components of the evaluation to do this are shown in Figure 1. If the exposure level of the individual under consideration is less than that reported in the literature, or the route of exposure is different, then



the chemical in question is less likely or unlikely to have caused cancer in the individual. Other unique circumstances also are considered, such as a concurrent disease, comorbidities, and other risk factors (e.g., lifestyle, diet, work place, medication) that might make the individual more or less susceptible. And also if similar exposures occurred from different sources, the relative contribution of each source is

considered. Finally, the above information is integrated and a conclusion is made about the probability of causality in a person. Thus, for an individual or small group of individuals, cancer causation can only be done with an understanding of dose placed into context of the scientific literature and a causation analysis.

Another important distinction is the difference between a risk factor and a cause. A risk factor is something that can be established from consistent epidemiology studies with statistical



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significance and dose-response relationships, but a confounding factors cannot be ruled out. A cause is decided after considering multiple types of data and the application of the Bradford-Hill criteria that substantially reduces the chances of confounding in epidemiology studies. Importantly, one should not opine a cause without sufficient human evidence. (In some cases following the precautionary principle, organizations such as the International Agency for Research On Cancer makes causal conclusions based on limited human evidence and the presence of mechanistic evidence.)

## **HOW CANCER DEVELOPS AND THE LATENCY OF CANCER**

Cancer, including hematological malignancies, is a multistage process of normal growth, differentiation and development gone awry [70-75]. It is driven by spontaneous (e.g., a defect that happens by mistake during normal replication) and carcinogen-induced genetic and epigenetic events, fueled by signals from the local microenvironment. The genes in the cells of our body are composed of deoxyribonucleic acids (DNA) that serve as a written language that programs a cell's function and provides for the building blocks to make proteins. Carcinogens bind to DNA and cause mutations and gross chromosome changes (e.g., chromosomal deletions, transfers of DNA from one chromosome to another, and chromosomal breaks) and/or alter gene expression (e.g., by affecting the switches for gene transcription). Cells normally replicate, differentiate and provide basic functions that sustain life, and then they die naturally. Some of the control of these genes that allow them to grow and function come from surrounding stromal cells and the microenvironment [74]. Mutated genes and damaged chromosomes in cancer cells, perhaps originating in a cancer stem cell can affect these basic functions, unless naturally existing safety mechanisms prevail. There are redundant DNA repair mechanisms, and cells also can be triggered to die if unrepairable DNA damage exists (a dead cell cannot go on to become cancer). If both of these mechanisms fail, however, cells may begin to replicate uncontrollably, and grow large, ultimately pushing out the normal cells and disturbing organ function. Cancer is therefore a genetic disease comprising many mutations and damaged chromosomes, as well as changes like altered methylation patterns that affect gene expression in clonally expressed cells interacting with a surrounding microenvironment [70;73;76-80]. It is thought that there are stem cells in the microenvironment that contribute to the signals that allow cancer cells to develop. As carcinogens cause cumulative damage, the probability of "initiated" cells to transform into a malignancy increases, the odds of which are increased during repeated rounds of cell replication stimulated by a lack of control in the cancer cell and signals from the surrounding stroma. The primary genes involved in driving the cancer process are proto-oncogenes and tumor suppressor genes. Proto-oncogenes are important to the regulatory mechanisms of growth, cell cycle and terminal differentiation. Activation of proto-oncogenes enhance the probability of neoplastic transformation, which can either be an early or late event. Tumor suppressor genes also code for

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products that regulate cell growth and terminal differentiation. However, they have the opposite effect by limiting growth and stimulating terminal differentiation. If inactivated, then the cell may grow uncontrollably or replicate without limits defined only by blood supply and space. Cancer cells also secrete signal proteins that allow for their survival, such as blood vessel formation and allowing for metastases. The micro-environment, namely surrounding stromal cells, create signals and hormones that promote the cancer cell to grow, proliferate and provide the soil for metastases [74;75]. Inflammation and immunity is thought to play a role both for increasing risk and tumor control [81;82]. Emerging research also shows the contribution of infections, considered as the microbiome, to the development of cancer [83].

I have noted that some consider that all hematological malignancies develop from the same type of hematopoietic stem cell, and so a cause of one hematological malignancy can cause any type. This view, though, is not correct.

With the advent of new technologies, it is now recognized that cancer cells and the surrounding cells are perturbed in many ways affecting genes, gene expression, and metabolism, and that these work together to allow for a cancer cell to grow, divide and metastasize [84]. And actually, the most recent thinking about the causes of cancer is that this is a multi-system problem bridging the changes in the cells and microenvironment to the effects of the macroenvironment such as lifestyle and health care policy [85].

People are exposed to carcinogens, mutagens and other toxins every day from many sources. Humans may ingest up to 10,000 different natural pesticides and 1500 mg per day [86;87]. Other sources of mutagens and carcinogens include radiation via sunlight, in our homes, doctors offices, airplanes, etc. There are numerous carcinogens that are ubiquitous in the environment. We are exposed to potential human carcinogens such as benzene, aflatoxins, pesticides, PAHs, N-nitrosamines, heterocyclic amines and other chemicals every day in the diet (e.g., coffee, vegetables, smoked meats, and fish) [88]. Cooking produces 2000 mg/day mutagens, e.g., 1.8 ug of heterocyclic amines [88;89]. Human cells have 150,000+ DNA adducts from chemicals produced in our bodies.

Cancer is mostly a disease of aging. This is likely to be due to the redundant and protective mechanisms present in humans, e.g., metabolism, DNA repair and programmed cell death. While the DNA in our cells are constantly being exposed and affected by mutagens from birth, and before, most cancers do not develop until adulthood, and mostly much later. It is remarkable that we do not all get cancer in childhood, if the presence of mutations, or single molecules were sufficient to cause cancer. Also, it is remarkable that persons we treat with chemotherapy or radiotherapy do not all get cancer. The fact that not everyone gets cancer at early ages also is consistent with a threshold effect for accumulated genetic damage (e.g., that one molecule cannot cause cancer, and that there needs to be enough exposure to cause multiple genetic abnormalities).

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Given that cancer develops from multiple genetic and epigenetic defects in the cancer cells plus support from the surrounding microenvironment, and that humans have redundant repair mechanism to preserve normal cell function, there is likely a threshold level for carcinogenesis. Clearly, cancer is a complex process that is not affected by a single molecule, as has been previously thought, contributed to by both the micro- and macroenvironment [85]. For example, as dose increases, there is increased risk to overwhelm the repair mechanisms, changes in the microenvironment and accumulate pro-oncogenic damage in cancer cells. In the regulatory arena, however, some risk assessment models follow the precautionary principle, assume that there is no threshold for genotoxic dose and cancer effect, while there is one for epigenetic effects. However, the determination of genotoxicity and epigenetic alterations is generally determined by experimental studies with unclear relevance to humans. There are no equivalent human models to conclude that a human carcinogen only works by one mechanism or the other.

***Regulatory and Review Agency Classifications:*** Several review and regulatory agencies have considered the carcinogenic potential for chemicals cited in the complaint for this case. It is important to realize that regulatory and review processes, and the conclusions derived therein, are not applicable to the process of directly assessing past and future risk for individuals or groups of individuals. These agencies are classifying agents in order to prioritize which potential exposures should be considered for risk assessments and regulatory control. It also is important to understand that these agencies consider population cancer risks (e.g., in thousands and millions of people) and do not provide conclusions regarding individual cancer risks (or for small groups of individuals). Their conclusions are focused on protecting public health, i.e., to acknowledge that there are limitations in the scientific data and some risks might not be measurable. Their methods lead to an interpretation of data in ways that err on the side of caution and assume worse risk than can exist. While this is an important process to protect humans before we learn whether a chemical causes cancer in people, these agency methods and findings are not appropriate to support a conclusion of cancer causation in a particular individual, or to predict risk in particular individuals, or to conclude whether the chemical is carcinogenic in humans at all. Moreover, a conclusion of possible or probable carcinogenic potential for one type of cancer in a target organ does not imply that the chemical can cause cancer in other organs.

When reviewing the preambles or methodologies for all the regulatory and review agencies, it is clear that they instruct the reader to not infer individual causation from the classification assessments. In fact, they also make it clear that their classification scheme, for example labeling a chemical exposure as probable or possible human carcinogen, should not be equated with the conclusion that the exposure actually is a human carcinogen. For example, ATSDR indicates that their minimal risk levels serve as a “screening tool to help public health professionals decide where to look more closely” (<http://www.atsdr.cdc.gov/mrls/index.asp>). The International Agency for Research on Cancer writes: “The Monographs are used by national

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and international authorities to make risk assessments, formulate decisions concerning preventive measures, provide effective cancer control programmes and decide among alternative options for public health decisions.” (<http://monographs.iarc.fr/ENG/Preamble/index.php>). The EPA, in its IRIS assessment writes: “In general IRIS values cannot be validly used to accurately predict the incidence of human disease or the type of effects that chemical exposures have on humans. This is due to the numerous uncertainties involved in risk assessment, including those associated with extrapolations from animal data to humans and from high experimental doses to lower environmental exposures. The organs affected and the type of adverse effect resulting from chemical exposure may differ between study animals and humans. In addition, many factors besides exposure to a chemical influence the occurrence and extent of human disease.” The National Toxicology Program adopts the same language (<http://ntp.niehs.nih.gov/index.cfm?objectid=03CA6383-9766-1F64-6637241FE0114FE9>).

IARC classifies benzene as a known cause of human cancer, but this is for acute myelogenous leukemia, and not for CML. IARC does not consider mineral spirits to be a possible, probable or known human carcinogen.

**Target organ specificity:** With only a few possible exceptions, chemicals exert their carcinogenic effect specifically to only one or a few organs. Target organ specificity is common and biologically plausible given that cancer arises from the combination of the abnormal clonal cells and the microenvironment around those cells. This also applies to hematological malignancies. Just as our organs are not interchangeable, the types of cancers that arise from them are different. Exposure routes allow for greater or lesser exposure at the cellular level in the target organ (i.e., different blood flow or blockage of exposure by the blood-brain barrier). Different tissues express different metabolizing proteins such as cytochrome P450s, which are "intended" by evolution to be protective and aid excretion. Different tissues have different DNA damage, repair and programmed cell death capacities. The microenvironment from adjacent cells provides signaling molecules and other hormones. Organs have different clearance mechanisms. There are some chemicals that one would predict would be multiorgan carcinogens in humans, but are not. These include phenobarbital and caffeine. If a particular chemical exposure were a multi-organ carcinogen, then these exposures would still have a consistent effect within a species. For humans, we would find consistent effects across studies, namely that all cancer-combined incidence should be increased, and we should see replication of at least some individual cancer types across studies. For any of the chemicals at issue in this case, as listed below, there is insufficient evidence to indicate that these are multi-organ carcinogens, and almost all lack sufficient evidence for cancer risk in humans

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## **LUNG CANCER AS AN EXAMPLE OF A KNOWN HUMAN CARCINOGEN**

Lung cancer is the leading cause of cancer-related death in the United States, and the second most commonly diagnosed in men and women [90]. The risk of lung cancer from smoking is well documented, as described below. It is instructive to consider the scientific data for smoking and lung cancer, to place into context the allegation by plaintiff's experts. The application of the Bradford-Hill criteria is and applicable to the evaluation of other chemicals. While this analysis focuses on smoking and lung cancer, a similar analysis for cigarette smoking and acute myelogenous leukemia also would demonstrate causality, and for occupational exposure to benzene and acute myelogenous leukemia. However, a causation analysis for CML would fail for a causation with benzene exposure.

There were an estimated 228,190 new lung cancer cases, and 159,480 lung cancer deaths in 2013 [91]. The incidence of lung cancer has been rising dramatically over other cancers, due to tobacco smoking (see below), although the rate has been declining recently (Figure 2; reproduced [90]).

The most common histological types of lung cancer are grouped together as a non-small cell lung cancer, which is further divided into squamous cell cancer and adenocarcinoma. Some people can have a mixed histology, and some may be classified simply as large cell. A less common type is small cell cancer. Until recently, squamous cell cancers were more common than adenocarcinomas in men, but this has changed recently, and adenocarcinomas are more common [92]. This is thought to be due to a change in types of cigarettes smoked, namely filtered light cigarettes. Lower tar cigarettes have been recently considered as a cause for the increased rates of adenocarcinomas [67].

Tobacco smoking is among the best examples of a human carcinogen, and is very well-documented to cause lung cancer [92;93]. In 1950, Doll and Hill [94], and Wynder and Graham [95] both reported the extremely high incidence of smoking in lung cancer patients. In fact, lung cancer was a rare disease before smoking [94]. If one is to use almost any method to assess causality, such as that proposed in the first Surgeon General's Report [96], and later articulated in more detail by Sir Austin Bradford Hill [62], then clearly the use of tobacco products causes cancer. The process for the causation analysis has been recently reviewed [67]. This conclusion comes from substantial epidemiology, laboratory animal and *in vitro* studies. It accounts for about 90% of lung cancer cases [97]. Even low levels of cigarette smoking increases lung cancer risk [98]. A summary of selected studies is shown in Table 2. Tobacco smoke contains more than 100 carcinogens and mutagens, many of which are classified as carcinogens based upon human and animal studies, the latter of which include target organ specificity. It is estimated that 20% of all cancers worldwide are attributed to smoking [99]. Smoke constituents include

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PAHs, arsenic, benzene, dioxins, nitrosamines, aromatic amines, vinyl chloride, and chromium [100-103]. A dose-response relationship for cigarette smoking and lung cancer has been established in cohort studies of both men and women (Table 2). These studies show remarkable consistency. Both daily smoking amounts and duration of smoking are important contributors to risk in various models, although there are some disagreements about whether smoking per day or duration is more important [104;105]. An earlier age at initiation is a separate lung cancer risk

Figure 2: Cancer Mortality Trends

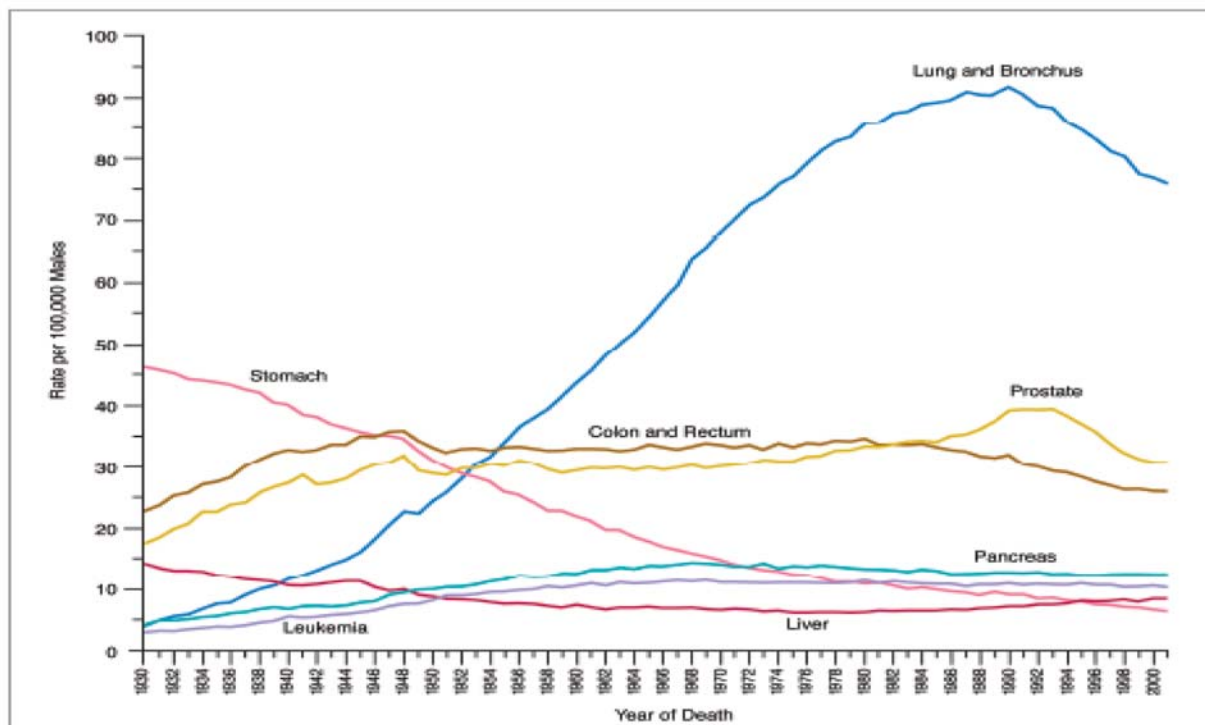


FIGURE 4 Annual Age-adjusted Cancer Death Rates\* Among Males for Selected Cancer Types, US, 1930 to 2001.  
 \*Rates are age-adjusted to the 2000 US standard population.  
 Note: Due to changes in ICD coding, numerator information has changed over time. Rates for cancers of the lung and bronchus, colon and rectum, and liver are affected by these changes.  
 Source: US Mortality Public Use Data Tapes, 1960 to 2001, US Mortality Volumes, 1930 to 1959, National Center for Health Statistics, Centers for Disease Control and Prevention.

factor [106-108]. Zang and Wynder had proposed an estimate of cumulative “tar” exposure by determining all brands used for different periods of life, the quantity per day and the milligram yields were calculated per the FTC method [109]. The reported effect of how deeply someone inhales also has been associated with an increased risk [107;108]. In a cohort of smokers with lung disease (chronic airway obstruction), about 33% of middle-aged smokers developed lung cancer after 14.5 years [110]. There is data to show that smoking unfiltered cigarettes had higher risks compared with smoking other types of cigarettes. Analyses of large cohort studies support



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| <b>Table 2<br/>Selected Lung Cancer and Smoking Studies – Consistency of Association</b> |                            |  |                                      |
|--|----------------------------|--|--------------------------------------|
| <b>Cohort</b>  | <b>Number of subjects</b>  | <b>Positive lung cancer association?</b> | <b>Dose-Response (risk estimate)</b> |
| British Doctors  | 34439                      | Yes                                      | Yes (15)                             |
| ACS-25 State Study [111;112]   | 120000 men<br>619925 women | Yes<br>Yes                               | Yes (11)                             |
| U.S. Veterans [113]  | 293,958                    | Yes                                      | Yes (11)                             |
| Japanese Study [114]   | 265000                     | Yes                                      | Yes (5)                              |
| ACS – 9 State Study [115]  | 187,783                    | Yes                                      | Yes (11)                             |
| Canadian Veterans [116]  | 78000                      | Yes                                      | Yes (NA)                             |
| Swedish Study [116]  | 25,444                     | Yes                                      | Yes (NA)                             |
| California Study [117]   | 68,153                     | Yes                                      | Yes (8)                              |
| MRFIT [118]  | 12,866                     | Yes                                      | Yes (7)                              |
| Iowa Women's Health Study [119]  | 41,843                     | Yes                                      | Yes (10)                             |
| Norwegian Study [120]  | 68,825                     | Yes                                      | Yes (16)                             |

this conclusion [122]. In studies of filtered versus nonfiltered cigarettes, smokers of filtered cigarettes had a decreased lung cancer risk by 30% in a French study of 1,057 lung cancer cases and 1,503 controls [123], a 2-fold lower risk in a Philadelphia study [124] and a 4-fold decrease for women in a Spanish study . Wynder and Stellman [125] reported that in 684 cases and 9,547 controls, there was a reduced risk for smokers of nonfilters cigarettes for ten years or more, although the results were not statistically significant. However, when they later reported data for 1,242 lung cancer cases compared to 2,300 controls, and accounted for increasing smoking per day after switching to lower “tar” cigarettes, they found that lung cancer risk was not reduced, and even increased in the highest levels of compensation [126]. Other studies also have reported a reduced risk for filtered cigarettes [127;128], but dose-response relationships for persons mixing their brands was harder to demonstrate [128;129]. There are some studies, however, which do not support a decreased risk for filtered cigarettes. In a population-based case-control

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study, when amount of smoking was considered, there was no benefit to the filtered cigarettes [130]. Data pooled from four cohorts failed to show a statistically significant benefit for filtered cigarettes and lung cancer risk, even among different levels of smoking [131], as did another large cohort of 79,946 members of Kaiser Permanente (RR=1.03 for men and 0.65 for women, neither statistically significant), although women who used filtered cigarettes for more than 20 years had a risk of 0.36 (95%CI=0.18, 0.75) [132]. Thus, while there are a significant number of studies to indicate that smoking unfiltered cigarettes is more risky for lung cancer, this conclusion is tempered by contrasting studies. Filtered cigarettes compared to nonfiltered cigarettes are more closely associated with adenocarcinomas rather than squamous cell cancers [133], although this observation is more strongly related to women smokers [134].

Corroborating the increased risk of smoking for lung cancer are clinical trials that show that quitting reduces the incidence of lung cancer [110]. Large cohort and case-control studies also report the benefits of quitting [122]. Reducing how much someone smokes per day decreases the risk somewhat [135].

Environmental tobacco smoke (ETS), also termed passive smoking or exposure to second-hand smoke, has been estimated to cause 2,600 to 7,400 lung cancer deaths per year among non-smokers in the U.S., according to a review of 9 studies of lung cancer mortality . The initial evidence linking ETS with increased risks for lung cancer came from studies in Japan and other countries in which smoking among women is rare. The conclusion that ETS is a cause of lung cancer has been opined by several reviewers and persons conducting meta-analysis [136-140]. This is an example of how it is possible to document increased risks from low level exposure, when it occurs. In many studies, the risk of lung cancer among non-smoking women was evaluated in relation to the presence/absence of a husband who smokes. For example, Fontham, et. al., [141] reported an odds ratio of 1.5 for the association of lung cancer among lifetime non-smoking women who lived with a spouse who smoked. Janerich et al.[142] found no association with ETS in adulthood but an odds ratio of 2.0 for high levels of household tobacco smoke in childhood. Stockwell et al.[143] compared 210 women with lung cancer who were lifetime non-smokers with 301 controls assembled by random digit dialing. The maximum effect detected was an odds ratio of 2.4 (95% CI 1.1-5.3) for >40 smoke-years of exposure (with a p-value=0.004 for trend). Numerous other studies support the conclusion that ETS exposure increases lung cancer risk [136;143-145]. A recent review of 44 such studies revealed that the relative risk for lung cancer among non-smokers is between 1.16 and 1.24 for women who have a husband who smokes, relative to non-smokers whose husbands are also non-smokers [146]. Examining studies that use cotinine to classify ETS exposures, Tweedie and Mengersen used a meta-analysis approach and concluded that ETS risk was 1.17 (95%CI=1.06, 1.28) [144].

In summary, if one assesses the causation criteria by Bradford-Hill to smoking and lung cancer, every criterion is fulfilled, even at low dose exposures such as ETS . As stated above, a similar analysis could be done for cigarette smoking and acute myelogenous leukemia, as is true

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for benzene and acute myelogenous leukemia, leading to a causal conclusion. However, the risk for causally relating benzene to leukemia is clearly related to dose. A similar analysis for CML and smoking, and also benzene, would demonstrate insufficient data to conclude causation.

## MINERAL SPIRITS

The Safety-Kleen products used by Mr. Campos are essentially mineral spirits. Mineral spirits is a generic term for petroleum solvents, which is a complex mixture of straight and branched chained carbon compounds (aliphatic hydrocarbon compounds). There can be several Chemical Abstract Service (CAS) numbers associated with mineral spirits [147]. It is similar to, and is sometimes used synonymously with Stoddard solvent, naphtha (although naphtha also can be composed of aromatic hydrocarbons), white spirits and benzene. Basically, mineral spirits and related chemicals are distilled from petroleum, and so it is a refined petroleum product. Because of the concern of potential contamination with benzene, contaminant levels have been controlled for decades, including the 1970's, and the benzene content is usually <0.1%, and typically less than 0.005% [147;148]. The Safety-Kleen 105 virgin and recycled solvents have been studied, and the benzene levels are trivial, well-below levels of federal reporting requirements on MSDS'.

Mineral spirits are widely used; it is estimated that more than 75,000 workers use mineral spirits daily [149]. With such large numbers of workers, the potential toxicity of use has been well-studied. If there were some risk of CML, or even acute leukemia, this would be known. ATSDR, in their 1995 Toxicological Profile for mineral spirits does not indicate that there is a benzene exposure related to mineral spirits [150]. ACGIH does not consider that mineral spirits contain a significant amount of benzene, citing only a single case report of a worker with aplastic anemia [151]. IARC does not classify mineral spirits as a human carcinogen. The toxicology of mineral spirits has been extensively studied [147]. Mineral spirits are not genotoxic in the laboratory, and there are no genotoxicity studies in humans that I am aware of. Mineral spirits are generally not tumorigenic in experimental animal studies, although one model uniquely is associated with adrenal tumors [147;152]. Studies of workers using mineral spirits are appropriate studies to consider for the alleged CML risk in Mr. Campos, because these typically have some low level content of benzene, and none that I am aware of report an increased risk of CML. While plaintiff's experts opine that benzene is a relevant discussion point for assessing Mr. Campo's workplace risk, actually, he worked with mineral spirits and not benzene. There is no evidence that the Safety-Kleen provided to Mr. Campos' workplace was different than any other virgin mineral spirits, and in fact, there is testing for Safety-Kleen 105 shows benzene content at trivial levels.

It is my understanding that the Safety-Kleen 105 solvent in Puerto Rico was only virgin solvent and not recycled solvent. However, even if Mr. Campos worked with the recycled solvent, my opinions would not change given the trivial amounts of benzene that occur in the

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recycled solvent.

Benzene air sampling around parts washers indicate exposure levels below permissible limit and generally at background, especially after several days of use. For example, the NMAS 1995 study sampled 15 customer locations using the parts washers, including facilities that repaired automobiles, trucks, trains and motorcycles. Sampling also was done at service facilities and industrial production sites. All the air sampling in the customer sites were below permissible limits and most were not-detected. Levels decrease over time as the benzene is volatile and levels decrease rapidly within hours of use, e.g., Brinkman and Blair 1990 report: Volatile Solvent Evaporation From An Operating Parts Washer. Published research articles are in agreement for sampling of parts washer mineral spirits, air levels and how levels rapidly drop [153-155]. NIOSH also has evaluated several sites that use Safety-Kleen and elevated benzene levels were not reported, nor was benzene even expressed as a concern.

## **BENZENE**

It has been alleged that benzene exposure in this case caused Mr. Campos to develop CML. However, Mr. Campos worked with mineral spirits, and not benzene, or a product with significant amounts of benzene. For this report, given that plaintiff's experts somehow take importance to trivial benzene content of mineral spirits, ignoring studies of mechanics or similarly exposed workers, and studies of mineral spirits and leukemia risk as discussed below, I will consider risks of benzene exposure for CML. Benzene exposures in the workplace have been extensively studied, and it was recognized early that benzene was some types of leukemia (but not lymphoma). There are numerous epidemiological studies to conclude that sufficient exposure to benzene is a risk factor for acute myelogenous leukemia (AML) [156]. However, it is important to note that there is a clear dose-response effect [157-160], which results in regulatory agencies making the determination for permissible level of workplace exposure. So, as plaintiff's experts' erroneously claim relevance that benzene is a cause of AML to opine that benzene is a cause of CML, they provide a misleading opinion because Mr. Campos was not exposed to enough benzene to cause AML, and benzene is not a known cause of CML. Thus, the discussion of benzene exposure and AML generally to support a general causation opinion for benzene an CML irrelevant and misleading. More so, to claim a level of exposure that would lead to the development of any disease in Mr. Campos, there would need to evidence that there is some level of exposure that was exceeded permissible occupational limits, and also that there were some workplace activities that exceeded those of mechanics to somehow claim that the large number of scientific studies about benzene exposure for mechanics and similar workers would not be relevant. Because, worker studies for mechanics and similarly exposed workers, as indicated below, do not establish an increased risk for CML.

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Positive studies for benzene exposure and AML indicate that there is a specific level of exposure that is needed before the risk of AML becomes statistically significant. The levels of exposure to benzene in workers with potentially high exposure to benzene have been documented for industries with increased AML risk, along with the variables that would modify the exposure levels; in some series, the levels for AML need to be equivalent to at least 40 ppm-years, some report risks at 200 ppm-years. I note that some studies report an increased leukemia risk at 8-10 ppm-years, although a recent re-analysis as part of a pooled study of several refineries did not find an increased AML risk (see below) [161-166]. It should be noted that actual benzene exposures have not been measured for Mr. Campos, and there is no evidence for the level of a potential exposure from one particular product or another.

The potential for benzene exposure in many work-places has been well-documented, and there is a wide range of exposures depending on the occupation [159;167;168]. There is frequent background exposure to benzene in the general population [159;169-171]. This could be from tobacco smoke, diet, car exhaust, and gasoline filling stations. However, if benzene at low doses, e.g., at background, substantially contributes to leukemia risk, then AML or CML would be common diseases. This is not the case.

There are different ways to consider Mr. Campos' actual exposure, such as considering published studies for air monitoring and biomarker studies. Biomarker studies for benzene exposure are better than environmental monitoring or personal air sampling because they provide estimates of exposure by all routes, namely both inhalation and dermal. For example, service station attendants, analogous or worse than the exposures assumed for Mr. Campos, increase their mean breath concentrations to benzene, xylene and toluene over background levels, but being above background cannot be equated to having increased risk for disease [172;173]. For this discussion, it should be noted that Mr. Campos was a repairman who did not pump gasoline or work to repair cars, both of which would have a higher usage of product and exposure to gasoline. There are different markers that one can use for benzene exposure, namely benzene levels in blood or urine, the *S*-phenylmercapturic acid (SPMA) in urine and the *t,t*-muconic acid in urine (TTMA). Each has advantages and limitations [168]. Benzene levels are the direct assessment of the actual unmetabolized exposure but can vary among people based on time since exposure and metabolic rates. The SPMA and TTMA reflect exposure over a longer period of time (e.g., the half-life of SPMA is 9 hours), but both can be influenced by metabolic rates as well. The SPMA is considered more specific but there is a larger database for TTMA, which can be confounded by diet. The American Conference of Governmental Industrial Hygienists recommends monitoring with SPMA or TTMA, and have published biological exposure indexes (BEI) of 25 ug/g creatinine and 500 ug/g creatinine, respectively, for end of shift levels [174]. There are many biomarker studies that consider gas station attendants and mechanics, and some consider levels in the context of smoking. Reported biomarker levels can vary by laboratory method, and are less reliable at lower levels of exposure [149;175]. Generally, exposures for the workers are higher than nonworkers, but cigarette smoking contributes largely to levels; general

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population smokers can have higher levels than workers, but this can vary by the country (some countries still allow high levels of benzene in gasoline), the amount of exposure, the presence of regulation for exposure, and the amount of smoking. Several studies report higher levels for both work and smokers, but all levels are below the ACGIH BEI [174;176-178]. Among the best studies is by Fustinoni, et. al., from Italy where 78 gas station attendants were compared to 58 referents, and smoking status was reported, where the authors reported the validation of their method [175;179]. They also reported a correlation with urine cotinine. The SPMA median levels in referent nonsmokers and smokers were 4.1 and 8.0 (ug/l) and for gasoline attendants they were 5.8 and 7.5 (ug/l), respectively (levels were not corrected for creatinine). Similar results were reported by Manini, et al, including a correlation with urine cotinine [180]. Some studies report results that SPMA and TTMA are higher in exposed workers compared to controls, but smoking was not considered [181-183]. One study in Thailand indicated that gasoline workers might have levels higher TTMA than the ACGIH BEI, but smoking was not assessed and could be high in that part of the world, and an earlier publication from the same group reported levels in men to be similar [182;184]. In summary, while gas station attendants and mechanics might have higher biomarker levels than the general population, they do not have exposures above permissible occupational limits and have levels similar to smokers, where we know that smoking does not increase the risk of CML.

***Chronic myelogenous leukemia and benzene risk:*** Most of the studies cited above only consider benzene and acute leukemia risk, or leukemia risk in general. There also has been study for CML, and the available literature does not support the causal opinion that benzene can cause CML at some dose [170;185-187]. In a review of 10 studies, only 2 were reported positive [185]. Among studies of highly exposed workers, in the series of publications from China, no statistical increase could be found [188-190]. Also, the shoe workers in Turkey were not reported to have an increased risk of CML, including for those with high levels of exposure and pancytopenia [191-193]. For the Rinsky rubber worker studies, CML was not increased; in that study, there were only three reported cases, two of which worked less than 1 month and one had an ICD code for acute leukemia [163]. Other rubber worker studies are null for CML [185;194-196]. Another study of leukemia that reported levels of benzene exposure do not find increased numbers of CML patients [197]. For the petroleum industry, where CML also was studied, null results has been reported [185;198-207], or inferred as null [208;209]. Recently, Schnatter and colleagues conducted a pooled analysis of 3 refinery worker cohorts and did not find an increased risk for CML; there was one analysis that was positive at lower levels of exposure but not higher, and was inconsistent with the other findings in the study [160]. Workers in the chemical industry and other industries with benzene exposure were null, or inferred as null for CML [210-214].

Consideration of other occupations for exposure to benzene at low levels, such as printers, painters and mechanics are helpful for understanding Mr. Campos' risks. These occupations are not considered to be at increased risk for CML, or even leukemia generally;



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most or all studies within groups are null that I am aware of [215-219], with only two exceptions [216;220].

A large meta-analysis by Wong and Raabe in 1995, based on 208,741 petroleum workers from the U.S. and Canada, with 4,665,361 person years, 56,441 deaths, and 19 cohorts, found that the SMR for AML was only 0.89 (95% CI= 0.0.68, 1.15) [221]. Among the 19 cohorts reported, none had a statistically increased incidence of CML. Combined in different ways by geography, the meta-analysis did not indicate an increased risk, statistically significant or otherwise.

Vlaanderen and colleagues recently published a meta-analysis for benzene-exposed workers and CML. Their conclusion was “Although limited by low statistical power, the current meta-analysis provides support for a possible association of occupational exposure to benzene and the risk of CML.[22]. Thus, in the context of individual risk assessment, this paper refutes a positive causation opinion. The authors analyzed the data in different ways in order to provide importance to different approaches, and what they considered as the most reliable provided null results. They wrote: “The highest study quality stratum for AML significance and exposure quality showed an elevated but non-significant increased mRR (1.40; 95% CI: 0.86–2.27, and 1.68; 95% CI: 0.74–3.84, respectively).” The only positive analysis actually was for more recent studies, which is the inverse for what would be expected with workers having a higher exposure in the past. (The authors, though, also noted that these would have more certain diagnoses.) Importantly, for all the 17 studies cited by the authors, none were statistically significant.

Other meta-analyses over the last several years also are null, and use either different methodologies, including an assessment of case-control studies, and/or include additional studies [158].

I am aware of a review article published in 2006 by Myron Mehlman [222]. This publication is essentially an incomplete review of the literature that takes great weight in noting only that CML cases are reported in cohorts without consideration to statistics, similar to inappropriately relying on case-reports for causation opinions. There are a few statistically significant reported results in the review, but virtually all of these do not even study CML, or were falsely cited as being statistically significant. The Mehlman review was specifically discussed by the Vlaanderen, et. al., researchers [22], who discounted the Mehlman conclusions saying that no data synthesis was conducted. Clearly, if CML were to be associated with benzene exposure, given all the study of benzene and leukemia, it would have been identified and CML would not be such a rare disease.

## **PLAINTIFF’S EXPERTS’ OPINIONS**

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***Su-Jung Tsai (12/10/13):*** Dr. Tsai opines that Mr. Campos was exposed to perchloroethylene above occupational limits by inferring an odor threshold from mineral spirits. This is not an accepted practice for assessing either an STEL or 8 hour TWA. She provides no data for an association for perchloroethylene and CML generally, or specifically at the levels of exposure she guesses at. More so, I am not aware that perchloroethylene is an issue in this case, or even present in the virgin Safety-Kleen 105 that probably used by Mr. Campos. For benzene, there is no specific assessment of exposure, and Dr. Tsai erroneously cites to the Vlaanderen meta-analysis of CML to support her opinion; the authors stated that their analysis provides support for only a possible association and that their best evidence provided a null result [22].

***Arthur Frank (12/13/13):*** Dr. Frank opines that Mr. Campos developed CML from his workplace. There is no discussion of the scientific literature and no report of a methodology. He cites only to Mehlman [222], which, is not an authoritative work and is in contrast to that of researchers in the field, as cited above via several meta-analyses. Importantly, Dr. Mehlman published his opinions in 2006, and so there was no benefit to the more recent studies a discussed above. The weak reliance on this publication is discussed above.

Dr. Frank apparently confuses CML with other forms of leukemia and apparently does not recognize the distinct features of the disease and etiologies.

Dr. Frank also opines that cigarette smoking contributed to Mr. Campos developing CML, although this is inconsistent with current scientific opinion. However, if Dr. Frank were not wrong in his opinion, he would have to conclude that smoking was a major risk factor, and he would not be able to say that Mr. Campos would not have developed CML, but for the alleged work-place exposures. Dr. Frank claims that smoking would lead to a small benzene exposure, but how he makes this comparison to the workplace is unclear and fails to consider smoking behavior and direct inhalation of cigarette smoke carcinogens.

***David Goldsmith (12/13/13):*** Dr. Goldsmith provides a general and specific causation opinion for benzene and “mineral oils/solvents” exposure and CML. Like Dr. Frank, he confuses the leukemias and considers them all the same. He cites to IARC, who never claims a causal relationship for benzene to CML. His discussion of “mineral oils/solvents” is somewhat puzzling as these are different chemical mixtures with different toxicities. Dr. Goldsmith cites to Mehlman, which, as indicated above are not authoritative by any means, and provide contrary opinions to experts in the field. He also cites to a publication by Polychronakas, actually, makes no statements about benzene exposure and CML, and so it is puzzling why Dr. Goldsmith relies upon that work.

Dr. Goldsmith cites to specific publications that do not support his opinions or he miscites them. For example, he cited to the Schnatter 2012 publication [160] as supporting his opinion, which it does not. The same is true for the study by Yin, 1996 [190], although in this case, Dr. Kaufman did indicate that the study was null. In sum, the only research study cited by him that was statistically significant was the study by Adekoke, et al. 2003 [216], which

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contradicts the literature and fails to establish consistency. There were no studies cited by him about mineral spirits.

Dr. Goldsmith does not cite to any methodology for formulating his opinions.

**Melvin Kopstein (12/13/13):** Dr. Kopstein provides an exposure assessment. He does this based on indirect evidence and does not cite to studies with actual measurements, as indicated above. There are also issues with using greatly exaggerated benzene content levels in virgin SK105. As a result, the alleged exposures are grossly inconsistent with studies that I cite above, both for exposure and for leukemia risk generally. Importantly, Dr. Kopstein provides only an exposure estimate for peak exposures and not cumulative exposure exceeding OSHA TWA limits. This is insufficient evidence to rely upon for a specific causation method. He states that Mr. Campos cumulative exposure was in excess of 2-3 ppm years, which is insufficient to increase the risk of leukemia of any type at that level.

## CONCLUSIONS

1. Mr. Campos was diagnosed with chronic myelogenous leukemia. I have no particular reason to question the diagnosis. There are no unusual aspects of Mr. Campos' disease to implicate an unusual etiology.
2. The causes of CML are essentially unknown, and so virtually all patients with CML do not have identifiable risk factors and a cause is never understood. However, simply because there are no identifiable risk factors, it is not appropriate to conclude that the workplace caused the CML because "something must have done it".
3. There are many types of leukemia. It is inappropriate to consider them all the same in the context of risk.
4. Mr. Campos was a precision tool technician, which would have had activities similar to mechanics. There are many studies of mechanics and gas station attendants that can be considered to understand his workplace risks as an analogy. The literature does not implicate an increased risk for CML for these types of workers or workers who work with similar solvents and degreasers.
5. The allegation in this case is that Mr. Campos developed CML as a result of working with Safety-Kleen 105. This Safety-Kleen product is essentially mineral spirits. Many workers use mineral spirits; as an exposure there are scientific studies to consider. Mineral spirits are not considered a cause of CML. Plaintiff's experts make opinions about benzene, but Mr. Campos did not work with benzene. Rather, he worked with mineral spirits. The benzene content of mineral spirits is well-known and is trivial. It is

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- inappropriate to focus on benzene exposure for workers who work with mineral spirits, even if benzene was a cause of CML.
6. Mr. Campos had a trivial level of benzene exposure that was likely not above background and likely not above permissible limits, based on available studies. Benzene and leukemia risks have been extensively studied. If benzene was a cause of CML, we would know this. If benzene caused CML, it would not be a rare disease. After almost 50 years of study, contemporaneous researchers do not conclude that benzene is a cause of CML.
  7. I generally follow Bradford-Hill criteria for general causation to consider levels of exposure and workplace activities for Mr. Campos, and for specific causation methodology as described herein. Understanding exposure within a general and specific causation are both very important and plaintiff's experts make wild assumptions. It is my opinion that Mr. Campos did not develop CML as a result of working at Makita or elsewhere where Safety-Kleen parts washers were used.
  8. Plaintiff's expert, Dr. Kopstein, provides an exposure estimate that is fundamentally flawed, wrong and inconsistent with scientific studies. And given the lack of support to conclude that benzene is a cause of CML, the alleged exposures actually are irrelevant.
  9. I have reviewed the plaintiff's experts' reports. I fail to discern a scientifically acceptable methodology for assessing individual or general causation. I note the lack of studies cited by them that support their opinion. They want to rely on studies of leukemia generally, but this is inappropriate and flawed. They fail to consider dose, even that alleged by Dr. Kopstein, in their opinions; not a single study is cited that show that CML risk is increased at the levels of exposure opined by Dr. Kopstein.
  10. The above opinions I hold to a reasonable degree of medical and scientific certainty. If you have additional questions, I will address those. If additional documents or materials are brought to my attention, then I reserve the right to modify or supplement my opinions.

Sincerely,



Peter G. Shields, M.D.  
Professor of Medicine and Oncology

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